

Number: 85-1Date: Sept. 25, 1985

Subject:CONSTRUCTION OF BASEMENT APARTMENTS

Determination:

This is to make clear the Department's policy with respect to permits for the construction of basement apartments.

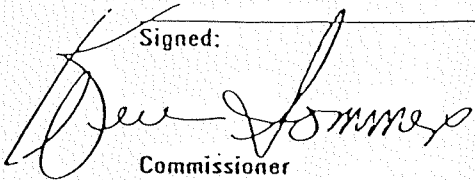
1. Effective immediately all plans and all approvals for basement apartments must meet specific code requirements as follows:
 - a. Definition of a basement apartment and a story as found in Article 2, Section 200 of the Massachusetts State Building Code, to wit:

Basement: That portion of a building which is partly below and partly above grade and having at least one-half ($\frac{1}{2}$) its height above grade.

Story: The lowermost story entirely above the grade plane.
 - b. Building Code 780 CMR, Chapter 802, Article 8, Section 872 with respect to waterproofing and floor proofing.
 - c. State Sanitary Code Requirements, Chapter 105, C.M.R. 410, regulation 402 (Grade Level), to wit:

No room or area in a dwelling may be used for habitation if more than one-half of its floor-to-ceiling height is below the average grade of the adjoining grade and is subject to chronic dampness.

Signed:

Commissioner
Inspectional Services

d. Massachusetts State Building Code, Section 872.4 and 872.4.1 with regard to wood framing for basement partitions, to wit:

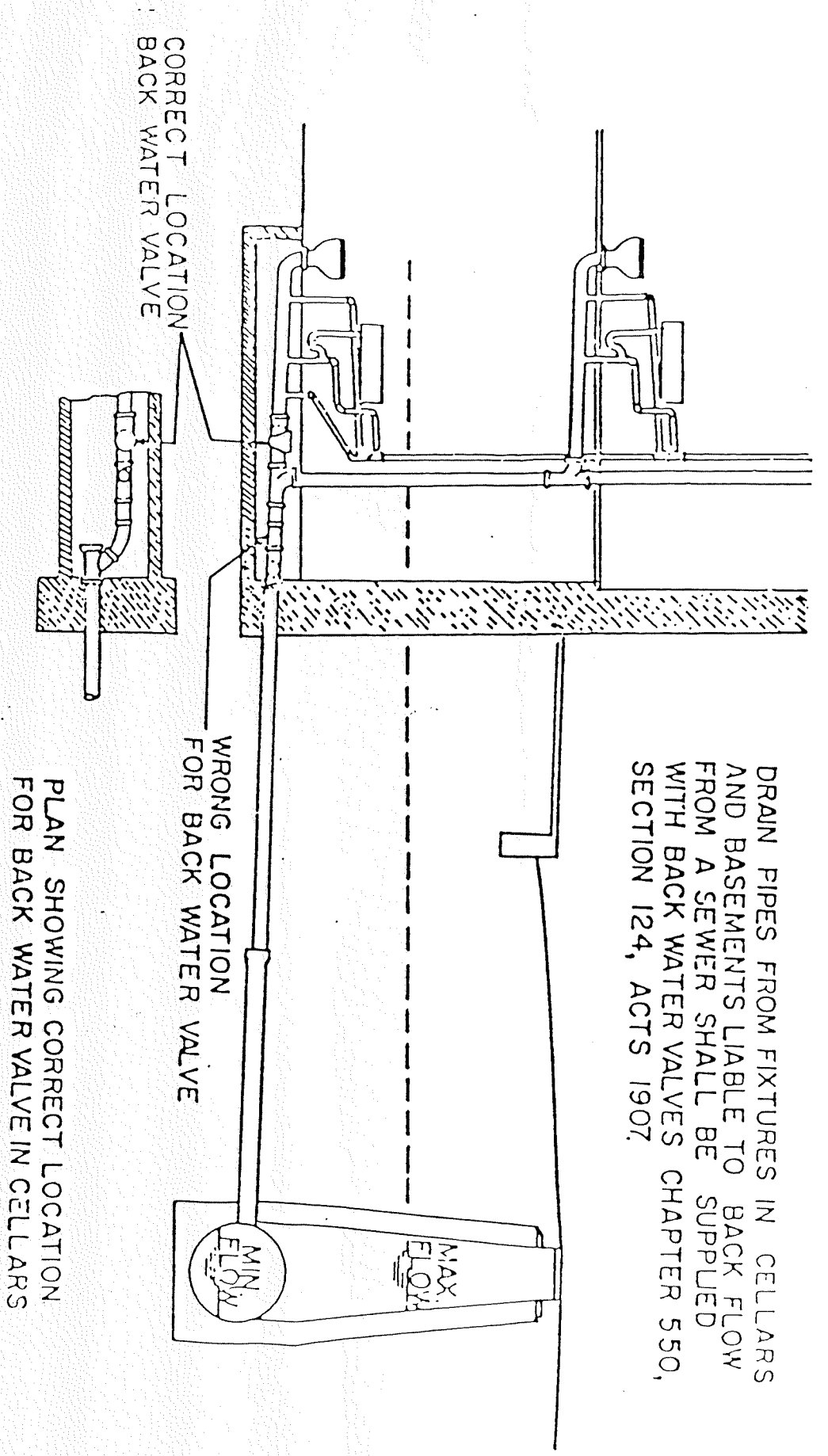
1. The floor member shall be free and clear of knots and shall be pressure treated.
2. One half inches by three quarter inches kerfs shall be run on the bottom of the "shoe" across the grain every 24 inches as a weep or vent.

2. STATE PLUMBING CODE REQUIREMENTS

248 CMR, Section 2.09(4) A backwater valve shall be installed in a branch of the building drain which receives the discharge from a fixture or group of fixtures that in the opinion of the Inspector of Plumbing is subject to reverse front or back pressure. All fixtures that are more than two feet below the grade of the street under which the main sewer serving the building is located shall be considered subject to reverse flow or backpressure. All backwater valves shall be located as shown in the attached diagram.

3. In certain cases the Department may accept an affidavit signed by both the owner and the licensed builder or the licensed architect that all the above conditions have been met.
4. When the permit is issued for construction which includes basement apartments or rooms used for habitation, the permit shall so state the conditions. Any affidavits and certificates of warranty required per this bulletin shall be attached to the permit.
5. Use of the affidavit and the required certification shall be solely at the discretion of the Commissioner of Inspectional Services.

DRAIN PIPES FROM FIXTURES IN CELLARS AND BASEMENTS LIABLE TO BACK FLOW FROM A SEWER SHALL BE SUPPLIED WITH BACK WATER VALVES CHAPTER 550, SECTION 124, ACTS 1907.



PLAN SHOWING CORRECT LOCATION FOR BACK WATER VALVE IN CELLARS

Number: 86 - 1Date: January 13, 1986**Subject:**

Depositing Concrete in Cold Weather

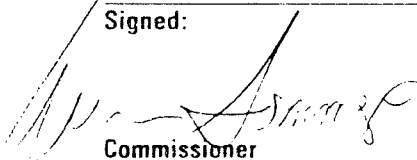
Determination:

The Department of Inspectional Services intends that during the cold weather months every precaution be taken to assure that use of concrete in buildings is done under optimum safety conditions.

To this end, and in accordance with Section 108.6 of the State Building Code, the following procedures is to take effect immediately:

1. When depositing concrete in freezing or near freezing temperature the concrete shall be maintained at a temperature of nor less than 50 degrees Fahrebheit nor more than 120 degrees Fahrenheit. The temperature of the concrete shall be maintained at not less than fifty degrees Fahrenheit for at least seventy two hours after placing.
2. When necessary, concrete materials shall be heated before mixing.
3. Dependence shall not be placed on salt or other chemicals for the prevention of freezing.
4. Adequate equipment shall be provided for heating the concrete materials and protecting the concrete during freezing or near freezing weather. All concrete materials and all reinforcement forms, and the ground with which the concrete is to come in contact, shall be free from frost. No frozen materials or materials containing ice shall be used.
5. The building inspector in each district shall have authority to enforce this regulation

WS/mjd

Signed:
**Commissioner
Inspectional Services**

Number: 86 - 1Date: January 13, 1986**Subject:**

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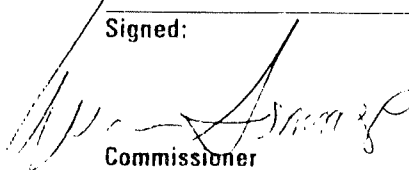
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WS/mjd

Signed:
**Commissioner
Inspectional Services**

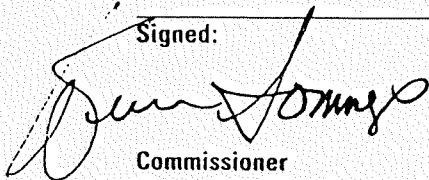
Number: 86-2Date: April 14, 1986

Subject:

Legalization of Occupancy

- Determination:**
1. Effective April 15, 1986 there is hereby established an Administrative Committee on Legal Occupancy within the Department of Inspectional Services. The Committee will have as its primary duty the examination of applications to legalize occupancy when application is made under 3 (a) (3) as explained below and shall make decisions on these applications which shall become the official record of the Department for such occupancies.
 2. The Committee shall be composed of the Deputy Commissioner, an Asst. Commissioner, a member of the Zoning unit, a member of the Plan review Division and others as appointed by the Commissioner. The Committee shall meet weekly to review all applications to legalize occupancy and shall, upon receipt of the applicant's documentation, act within two weeks of the date of receipt of the applicant's application and documentation.
 3. The procedure to be followed by the Committee shall be as follows:
 - a. When an applicant before the Department is shown that there is a discrepancy in the legal occupancy as shown by Department records, the applicant must be apprised of the following choices:
 1. If the proposed occupancy does conform to the Boston Zoning Code, file an application to change occupancy.
 2. If the proposed occupancy does not conform to the Boston Zoning Code, file the necessary applications to go before the Zoning Board of Appeals in order to effect a change in occupancy, or

Signed:

Commissioner
Inspectional Services

3. If the proposed occupancy was, in the opinion of the applicant, in existence before passage of the current zoning ordinance (December 31, 1964), and thus a non-conforming use, the applicant may then file to have the occupancy validated through the administrative process.
- b. When an applicant decides to file under the administrative process, 3(a) 3 above, he or she must file an application to legalize occupancy and must submit documentation to substantiate that the occupancy claimed was in effect prior to December 31, 1964.

The Committee shall consider documentation as presented by the applicant such as, but not limited to, the following:

1. City of Boston tax bills issued for the location prior to December 31, 1964 which may show the existing occupancy.
 2. Copies of utility bills issued prior to December 31, 1964 which shows occupancy or refer to it by indicating the number of meters, etc.
 3. Affidavits by prior owners as to the occupancy prior to December 31, 1964.
 4. Affidavits by abutting property owners and others who have knowledge of the fact that the property in question was occupied as shown prior to December 31, 1964.
 5. Legal documents such as deeds, title searches, mortgages, leases, appraisals, abatements, insurance policies, licenses, permit application, etc. that show occupancy prior to December 31, 1964.
- c. The Committee shall also review the following Departmental records in considering the legalization of occupancy:
 1. Existing building jacket.
 2. Assessor's records.
 3. Use and occupancy records.
 4. Egress records.
 5. Building inspector's field inspection report.

- d. The Committee shall, at its weekly meeting, consider the evidence and make its decision on the appropriate forms. Its decision must be reviewed by the Commissioner who will have final approval. The decision document will then be issued to the applicant and a copy put into the building jacket.
 - e. If the applicant does not agree with the decision of the Committee or the Commissioner, he or she may appeal the decision to the Zoning Board of Appeals under provisions of Section 8, Chapter 665 of the Acts of 1956 as amended.
4. The Committee may use such forms and procedures as necessary to speedily effect the decision affecting legalization of the occupancy. The decision should be rendered with-in two weeks after the applicant has made formal application and submitted the necessary documentation. The Committee shall keep a record of its meetings and the decisions reached.
 5. The Committee shall be empowered to make its own rules of operation and shall receive the cooperation of affected divisions within the Department to carry out its work. A copy of the Committee's rules or operation shall be made available to members of the Department and the general public.
 6. The applicant shall be sent a copy of the Committee's decision by registered mail as quickly as possible.
 7. Commissioner's Bulletin # 86-2 with respect to single family dwellings remains in effect.
 8. All employees responsible for applications for legalization of occupancy shall see that a full explanation of these procedures are made available to the general public.

Number: 86-3

Date: April 14, 1986

Subject:

Fair Cost of construction - PERMIT FEES

Determination:

1. The building permit fee for all building permits except for razing a structure to grade shall be based on the fair cost of construction and shall, in general, be calculated on a square foot basis.
2. The fair cost of construction shall include all construction costs, including site preparation and utility connections, but excludes the cost of the land or existing structure, architectural and engineering fees, profit, finance charges, and any fees paid to the Inspectional Services Department.
3. In residential buildings the cost shall include all bathroom fixtures and kitchen cabinets, including all appliances except refrigerators. The cost of refrigerators shall be included in all rental residential buildings.
4. When the application for a permit is filed, the estimated cost of construction shall be entered on the application. Before the application is issued a final determination of the cost will be made by the Commissioner or his designee. The Commissioner may require copies of contracts and other information in order to determine the actual cost.
5. If an application is to be refused and an Board of Appeal hearing is required, the Commissioner may accept a partial fee of \$300.00 (See Policy Statement 86-6)

Signed:



Commissioner
Inspectional Services

6. In the attached cost table are listed costs per square foot for new construction, additions and total rehabilitation and renovation. This table shall be used by the Department as a basic guide to estimate the cost of construction. The figures are taken from "Building Construction Cost Data" published by R. S. Means Company, Inc. The cost table will be updated yearly. If the actual cost of construction differs from the cost arrived at by using the cost table, the Commissioner may require justification as to any difference. In any event the Commissioner shall make the final decision as to the fair cost.
7. If the application is for partial rehabilitation or renovation, the cost of construction will be determined by the Commissioner or his designee. The same procedure shall apply to one and two family homes. In addition, construction date as noted in item 4 above may also be required.
8. In addition, the Commissioner reserves the right to review final completed costs on all construction prior to the issuance of an Occupancy Permit and may require a detailed listing of final costs as necessary.

COST PER SQUARE FOOT
New Buildings, Additions & Total Rehab
Jan, 1986

(Please Note: These figures include the City Cost index for Boston)

	New & Additions	Total Rehab
Apartments, 1 to 3 stories	42.75	33.90
Apartments, 4 to 7 stories	53.85	45.44
Apartments, 8 stories & above	59.73	51.32
Auditoriums	71.82	50.61
Automotive Sales	45.44	35.88
Banks	99.18	79.18
Churches	65.67	52.92
Clubs, Country	63.74	53.08
Clubs, Social	62.75	45.61
Clubs, Y.M.C.A.	67.37	52.31
Colleges		
Classrooms & Administrative	86.93	66.16
Colleges		
Science, Engineering & Labs	101.60	74.68
Colleges		
Student Unions	93.63	67.31

COST PER SQUARE FOOT
New Buildings, Additions & Total Rehab
Jan, 1986

	New &	Total
	Additions	Rehab
Community Centers	67.97	55.50
Court Houses	90.78	73.80
Department Stores	40.11	30.06
Dormitories, 1 to 3 stories	64.68	48.46
Dormitories, 4 to 8 stories	83.41	71.71
Factories	34.29	23.68
Fire Stations	69.84	51.93
Fraternity Houses	61.93	51.87
Funeral Homes	62.04	49.35
Garages, Commercial	46.82	29.56
Garages, Municipal	49.73	31.82
Garages, Parking	21.38	17.09
Gymnasiums	60.44	44.95
Hospitals	121.99	99.24
Housing for the Elderly	60.34	48.03
Housing, Public (low-rise)	50.66	36.43
Ice Skating Rinks	48.25	34.51

COST PER SQUARE FOOT
New Buildings, Additions & Total Rehab
Jan, 1986

	New &	Total
	Additions	Rehab
Jails	124.18	111.00
Libraries	76.44	62.42
Medical Clinics	73.69	59.79
Medical Offices	69.57	55.22
Motels	54.62	52.59
Nursing Homes	73.41	56.65
Offices, 1 to 4 stories	58.63	45.33
Offices, 5 to 10 stories	62.81	51.32
Offices, 11 stories & above	77.59	56.16
Police Stations	97.21	74.13
Post Offices	73.41	60.94
Power Plants	483.56	291.24
Religious Education	54.35	46.16
Research Laboratories	95.56	64.24
Restaurants	86.16	65.56
Retail Stores	42.09	30.49
Schools, Elementary	63.91	51.87

COST PER SQUARE FOOT
New Buildings, Additions & Total Rehab
Jan, 1986

	New &	Total
	Additions	Rehab
Schools, Middle	63.69	54.57
Schools, Senior High	62.64	53.74
Schools, Vocational	60.50	44.89
Sports Arenas	49.62	39.40
Supermarkets	41.49	36.05
Swimming Pools	71.60	-----
Telephone Exchanges	109.52	80.00
Terminals, Bus	48.25	36.43
Theaters	58.52	46.10
Town Halls & Municipal Bldgs	70.01	55.72
Warehouses	27.91	20.06
Warehouses & Offices	30.50	23.79

Number: 86-4Date: April 14, 1986

Subject:

The Use of CPVC pipes for wet sprinkler use

Determination:

1) The Department of Inspectional Services has determined, in accordance with the National Fire Protection Association Codes and Standards National Fire Codes 1985, that the use of chlorinated polyvinyl chloride (CPVC) pipe and fittings is acceptable in specified instances for use as piping for wet sprinkler installation. NFPA Code and Standards National Fire Code 1985 NFPA 13 Chapter 3-1.1.5 states "other types of pipe or tube may be used, but only those investigated and listed for this service by a testing and inspection laboratory." Underwriter's Laboratories incorporated has approved a PVC pipe to be allowed for use on wet sprinkler systems.

However, in order for a sprinkler contractor to use the PVC pipe some basic limitations must be adhered to prior and during the installation. These limitations must be checked for during any inspection and be strictly adhered to in order for the PVC pipe to be used in any installation. These are the limitations that must be followed in order to use PVC pipe:

A. CPVC pipe and fittings are intended for use in sprinkler systems in the following types of occupancies:

1. Residential occupancies as defined in the Standard Sprinkler Systems in One and Two family dwellings, NFPA 13.
2. Light Hazard Occupancies are defined in the Standard for Installation of Sprinkler Systems NFPA 13.

Signed:

Commissioner
Inspectional Services

B. protection should be provided for CPVC pipe and fittings. The minimum protection shall consist of one layer of 3/8 inch gypsum wallboard, or acoustical ceiling panels classified as to surface burning characteristics, or 1/2 inch plywood soffits. For residential occupancies defined in NFPA 13D, the minimum protection may consist of one layer of 1/2 inch plywood.

C. CPVC pipe and fittings are intended for installation in areas having a maximum ambient temperature of 120 degrees fahrenheit.

D. CPVC piping is intended for use in wet sprinkler systems only.

E. CPVC piping is intended for use in interior applications only.

F. CPVC piping is intended for use with sprinklers having a temperature rating not exceeding the ordinary rating as defined in NFPA 13.

G. CPVC piping requires special requirements for hanger spacing, assembly of pipe and fittings, pipe and sprinkler restraint and location.

H. CPVC piping requires special procedures for field acceptance testing.

I. CPVC piping and fittings incorporate different friction loss characteristics.

J. CPVC piping is not suitable for use in combustible concealed spaces where sprinklers are required, as referenced in NFPA 13.

2) Requirements for Pipe Markings

Each length of pipe must be marked with the following:

1. Listee's name or identifying symbol
2. Type of pipe, "CPVC"
3. Size, pressure rating (175 P.S.I.) and temperature rating (120 degree Fahrenheit)
4. Standard dimensional ratio (SDR 13.5)
5. Material designation.
6. Date, shift, and extruder code of manufacture.

The packing for the brand of piping and fittings approved, at this time, includes the marking which states "Install Pipe and Fittings in accordance with installation instructions (see instructions inside packaging)." A copy of the installation instructions is provided inside the packaging. All installation must be completed according to the installation instructions.

3) Fitting Requirements

Each fitting must be marked with the following:

1. Listee's name or identifying symbol
2. Size of fitting
3. Material designation
4. Year of manufacture.

4) Important Notice:

ALL PIPING USED MUST BE APPROVED BY UNDERWRITER'S LABORATORY OR
FACTORY MUTUAL LABORATORY

Number: 86-5

Date: December 10, 1986

Revised April 1, 1988

Effective April 1, 1988

Subject:

Subject: Fast Track Permitting Procedures
For Commercial Office Buildings

Determination:

1. Under the authority of the Massachusetts State Building Code, Section 108.6 and Boston City Code, Ordinance of 1981, Chapter 19, the attached procedures are adopted effective this date.
2. These "Fast Track Permitting Procedures for Commercial Buildings" are, as stated, adopted in order to facilitate the permitting process for tenant alterations in new or existing commercial office buildings which do not require zoning, occupancy or substantial alterations to the building structure.

Signed:

Thomas J. McNicholas
Thomas McNicholas
Commissioner

Procedure: Fast Track Permitting Procedures
Commercial Office Buildings

PURPOSE: The purpose of this program is to facilitate the acceleration of the approval of building permit applications for tenant alterations in new or existing commercial office buildings. The Fast Track program can be used where there is no change of use and no change to the building dimensions or lot size as originally permitted under the zoning ordinance or any variance therefrom and no substantial alterations to the building structure. This program will allow the City to keep pace with commercial office building development and renovation while requiring increase on site observation or inspection to determine adherence to the applicable.

For the purposes of this program, the following definitions will apply:

COMMERCIAL OFFICE BUILDING: A building whose principal use, is for business use, as defined by Section 204.1 of the Massachusetts State Building Code.

TENANT ALTERATIONS: Work performed in order to render a leased space suitable for occupancy in accordance with the plans and specifications.

PROCEDURE:

Applicant shall submit an application form BD2/BD2A properly completed, signed, and stamped "FAST TRACK", accompanied by the following seven (7) items:

1. A check for the permit fee, certified if over \$200.00.
2. Two sets complete plans and specifications, including layout of sprinkler heads.
3. A letter from the building owner or authorized agent, indicating owner's approval of the plans.
4. A signed affidavit from the inspection architect or engineer registered in Massachusetts or, his authorized representative (approved by the Commissioner ISD), indicating that he will visit the work site at least once per week until the job is complete to determine that the construction is being performed in accordance with the plans and codes, and maintain a log of the visits and comments resulting therefrom. The inspection architects or engineer shall be independent from the architect/engineer of record and their firm or employer.

5. Affidavits signed by the architect(s) or engineer(s) of record registered in Massachusetts, all other professional design consulting engineers associated with the project, i.e., mechanical, electrical, etc., stating that to the best of their knowledge and belief: (a) the plans conform to the Massachusetts State Building Codes, and Boston Zoning Code, and all other applicable codes, laws and regulations: (b) the proposed work does not constitute a substantial alteration of the existing building structure: (c) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code: (d) the structural alterations and floor loading shown on the plans comply with applicable fire codes and that if required, the installation of fire alarms, smoke detectors, etc. have been or will be provided and indicated on the plans and specifications in accordance with the codes.
6. The name, address, day and night time phone number of the licensed builder who will be in charge of the work on site.
7. A performance bond, letter of credit or certified check in the amount of twice the building permit fee shall be required from the owner prior to the issuance of a fast track permit. This bond is to protect the City in the event that the owner or tenant occupies the space before an occupancy permit is issued by the Department. A model bond form is attached as part of the Appendix. Letters of credit or certified checks may be made out to the City of Boston. Upon issuance of Certificate of Occupancy for the work authorized under the "Fast Track" permit, the bond, letter of credit or certified check shall be returned to the owner.

The front counter person who processes an application under the Fast Track Building Permit Program will use the Required Items Check List (copy attached) to insure that all necessary requirements of the application process have been met. An application for the Fast Track Program will not be accepted unless all seven items are submitted. The completeness of the plans and specifications can only be verified by the plans examiner assigned to review the plans.

The applicant will be notified within seven (7) working days after receipt of all required documents that the Building Permit is ready to be issued. Upon the issuance of the permit, work may be commence.

After the permit is issued, the Department may review the plans in detail. If any code violations are discovered in the plans or in the course of construction, the Department will require them to be corrected.

When the work is complete, the licensed builder or owner's representative shall file an application for a Certificate of Use and Occupancy for the space.

The application for a Certificate of Use and Occupancy shall be accompanied by a check for the fee, certified if over \$200.00, and an affidavit signed by the inspection architect or engineer or his authorized representative, that he has visited the site at least once per week during the entire duration of the work and that, to the best of his knowledge and belief, the work was completed (except for minor punch list items), in accordance with the plans submitted with the building permit application, or modified as approved by him, and the completed work is in compliance with all applicable codes, laws and regulations.

Prior to issuance of the Certificate of Use and Occupancy, the work will be inspected by a representative of the Inspectional Services Department to determine if it meets the terms of the permit and conforms to the code. If any code violations are found they will have to be corrected before the Certificate is issued.

The Certificate of Use and Occupancy will be issued, subject to the correction of code violations, within fifteen days of the filing of the application for a Certificate of Use and Occupancy.

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

REQUIRED ITEMS CHECK LIST

Application Date: _____ NUMBER: _____

1. Fast Track Permit Fee _____
2. Two complete sets of plans & Specifications... _____
3. Building owner letter of approval _____
4. Inspection Affidavit _____
5. Design Affidavit:
 - a. Architect or engineer _____
 - b. _____
 - c. _____
 - d. _____
 - e. _____
 - f. _____
 - g. *Owner _____
 - h. Tenant _____
 - i. Builder _____
6. Builder contact information _____
7. Fast Track Building Bond _____

*Building Owner or owner of the work (i.e. tenant)?

-
8. Final Inspection Affidavit (to be submitted with application for Certificate of Use and Occupancy)

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

BUILDING CONTACT INFORMATION

Builder Name _____ License No. _____

Address _____

Home Address _____

Day Time Phone No. _____

Night Time Phone No. _____

Alternate Contact Person _____

Alternate Address _____

Alternate Day Phone No. _____

Alternate Night Phone No. _____

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

INSPECTION AFFIDAVIT

The Inspectional Services Commissioner:

Re: (Address) _____

(Ward _____

(Application No.) _____

I certify that I shall make at least one site visit per week from start to completion of construction of the referenced project to observe compliance with the State Building Code and other applicable codes and regulations and the approved plans. In addition, I will make a report of my visits and findings.

If the construction cost of this project is \$950,000.00 or greater, I will have a representative in my employ on site, as outlined in Commissioner's Bulletin 87-1, during construction operations. She/He will maintain a daily log of construction activities and report any discrepancies or problems to me for my action or for my reporting to the Inspectional Services Department.

Architect or Engineer Name: _____

Company Name: _____

Address: _____

Mass. Registration Number: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

My commission expires _____

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (ARCHITECT/ENGINEER)

To the Inspectional Services Commissioner:

Re: (Address) _____

(Ward) _____

(Application No.) _____

I certify that to the best of my knowledge, information and belief: (a) the plans conform to the Massachusetts State Building Code, and Boston Zoning Code, and all other applicable codes, laws and regulations; (b) the proposed work does not constitute a substantial alteration of an existing building; (c) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (d) the structural alterations and floor loading shown on the plans comply with the Massachusetts State Building Code; (e) the plans conform with applicable fire codes and that if required, the installation of fire alarms, smoke detectors, etc. have been or will be provided and indicated on the plans and specifications in accordance with the code.

Engineer Name: _____

Company Name: _____

Address: _____

Mass. Registration Number: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires _____

FAST TRACK PERMITTING PROCEDURE

IMPORTANT NOTICE

This notice is to remind all Fast Track Permit Applicants that nothing in this procedure eliminates the requirement that a permit must be issued, approved plans be on the site and yellow building card displayed on the site prior to the start up of any construction activity. All the required sub-contractors must also obtain the necessary permits.

Failure to secure a building permit prior to starting construction shall result in the filing of a violation against the property for building without a permit and the assessment of a double fee upon issuance of the required permit.

The Fast Track Permitting Procedure has been implemented to provide speedy approval of permit applications. There is no excuse for starting construction of a Fast Track project without a permit.

All required Fire Department permits must be applied for prior to receiving the Certificate of Occupancy.

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (CONSULTING ENGINEER)

To the Inspectional Services Commissioner:

Re: (Address) _____
(Ward) _____ (Application No.) _____

I certify that to the best of my knowledge, information and belief: (a) the plans conform to the Massachusetts State Building Code, and Boston Zoning Code, and all other applicable codes, laws and regulation; (b) the proposed work does not constitute a substantial alteration of an existing building; (c) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (d) the structural alterations and floor loading shown on the plans comply with the Massachusetts State Building Code; (e) the plans conform with applicable fire codes and that if required, the installation of fire alarms, smoke detectors, etc. have been or will be provided and indicated on the plans specifications in accordance with the code.

Engineer Name: _____

Company Name: _____

Address: _____

Mass. Registration Number: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires _____

FT #7
1/87

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (OWNER)

To the Inspectional Service Commissioner:

Re: (Address) _____

(Ward) _____

I certify that to the best of my knowledge, information and belief: (a) the proposed work does not constitute a substantial alteration of an existing building; (b) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (c) that if any violations of the building code, zoning code, or other applicable codes, laws and regulations were discovered, the owner and/or tenant at his own expense and without recourse to the city or any of its agencies, will correct or will have corrected any such violations prior to the issuance of any required occupancy permits.

Owner Name: _____

Company Name: _____

Address: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (TENANT)

To the Inspectional Services Commissioner:

Re: (Address)
(WARD) (Application No.)

I certify that to the best of my knowledge, information and belief: (a) the proposed work does not constitute a substantial alteration of an existing building; (b) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (c) that if any violations of the building code, zoning code, or other applicable codes, laws and regulations are discovered, the owner and or tenant at his own expense and without recourse to the city or any of its agencies, will correct or will have corrected any such violations prior to the issuance of the required occupancy permits.

Tenant Name: _____

Company Name: _____

Address: _____

Date: _____

Than personally appeared the above named _____
and made oath that the above statement by his is true.

Before me,

Notary Public

My commission expires _____

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

DESIGN AFFIDAVIT (BUILDER)

To the Inspectional Services Commissioner:

Re: (Address) _____
(Ward) _____ (Application No.) _____

I certify that to the best of my knowledge, information and belief: (a) the proposed work does not constitute a substantial alteration of an existing building; (b) the proposed work does not involve a change of use, as defined in the Boston Zoning Code and Massachusetts State Building Code; (c) that as license holder I will be responsible for the execution of all work in accordance with the approved construction documents, and for the execution and control of all methods of construction in a safe and satisfactory manner in accordance with all applicable local, state and federal statutes and regulations; (d) I will be fully and completely responsible for all work for which I have received this permit from the Inspectional Services Department of the City of Boston, and I will be responsible for seeing that all work is done pursuant to the State Building Code.

Builder Name: _____

Company Name: _____

Address: _____

License Number: _____ Class: _____ Expires: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires _____

FAST TRACK BUILDING PERMIT PROGRAM
FOR COMMERCIAL OFFICE BUILDINGS

FINAL INSPECTION AFFIDAVIT

To the Inspectional Services Commissioner:

Re: (Address)
(Ward) (Application No.)

I certify that I have inspected the work associated with the reference project having visited the site at least once a week throughout the construction period. To the best of my knowledge, information, and belief the work conforms with the permit and plans approved by the Inspection Services Department and with the provisions of the Massachusetts State Building Code and other pertinent laws and ordinances.

Architect or Engineer Name: _____

Company Name: _____

Address: _____

Mass Registration Number: _____

Date: _____

Then personally appeared the above named _____
and made oath that the above statement by him is true.

Before me,

Notary Public

My commission expires _____

FAST-TRACK BUILDING PERMIT BOND

KNOWN ALL MEN BY THESE PRESENTS, that we _____,
as principal, and _____
a corporation organized and existing under the laws of the State of
_____, and duly authorized to transact surety
business in the Commonwealth of Massachusetts, as Surety, are
holden and stand firmly bound unto the City of Boston, as Obligee,
in the penal sum of
_____, (\$ _____)

for the payment of which to the said City of Boston, we hereby
jointly and severally bind ourselves, our successors and assigns,
heirs, executors, and administrators, firmly by these presents.

WHEREAS, the above bounden Principal has received or hereafter
shall receive a Building Permit from the Inspectional Services
Department of the City of Boston, to perform tenant alterations
in a commercial office building located at:

Boston, Massachusetts.

AND WHEREAS, upon completion of said alterations, the Principal,
or his representative, shall file an application with the City
of Boston for a Certificate of Use and Occupancy for said
premises.

AND WHEREAS, if the Principal occupies said premises prior to
the issuance of a Certificate of Use and Occupancy, he is subject
to increased fees equal to double the amount which would other-
wise be charged for the Building Permit; to avoid default, said
fees to be due and payable within thirty days from the date
the Principal receives written notification from the Inspectional
Services Department that said increased fees are due.

NEW THEREFORE, THE CONDITION OF THIS OBLIGATION IS SUCH, that if
the Principal shall pay, when due, any fees incurred by him as
a result of failure to obtain said Certificate of Use and
Occupancy, then this obligation shall be null and void; otherwise
to remain in full force and effect.

PROVIDED HOWEVER, the term of this bond shall not exceed one
year from the date of execution, unless extended by continuation
certificate of Surety.

FURTHER PROVIDED, HOWEVER, in the event of default on the part
of the Principal, the Obligee shall notify the Surety within
ninety days after the Obligee shall have knowledge of such
default, and provided further that no suit, action, or proceedings
shall be brought against the Surety, hereunder, unless the same
be instituted within one year after the date of expiration or this
bond

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FAST-TRACK BUILDING PERMIT BOND
(continued)

FURTHER PROVIDED, HOWEVER, that the aggregate liability of the Surety for any and all defaults of the Principal hereunder shall not exceed the penalty of the bond.

No right of action shall accrue on this bond to or for the use of any person or corporation other than the Obligee named herein.

Signed, sealed and delivered this _____ day of _____, 19.

ATTEST OF WITNESS:

PRINCIPAL:

By: _____

SURETY:

By: _____

SURETY:

Number: 86 - 6

Date: December 15, 1986

Subject:

Calculation of Permit Fees, Definition of Fair Cost of Construction and Application of Penalty Fees.

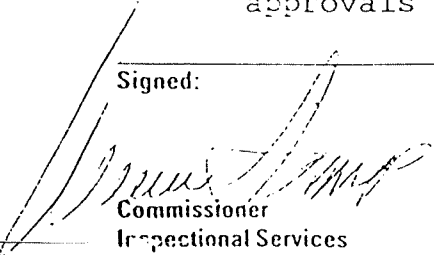
Determination:

1. This Bulletin is issued pursuant to Section 108.6 of the Massachusetts State Building Code and implementing in detail that portion of the Boston Code or Ordinances dealing with building permits, Title 14, Section 450 as amended.

This Bulletin replaces Bulletin # 86-3 of April 14, 1986 and is designed to clarify established procedures with respect to the calculation of permit fees and penalties that may result from underestimation of the estimated cost of a building permit.

2. The building permit fee for all building permits, except for the demolition of a structure to grade, shall be based on the fair cost of construction and shall, in general, be reviewed on a square foot basis. The Department of Inspectional Services shall rely generally on the Annual Edition of "Building Construction Cost Data" as published by R. S. Means. The final determination of fair cost shall, however, be made by the Commissioner of the Department of Inspectional Services who may require of the applicant submission of detailed estimates, contracts and similar data in order to determine a fair cost based on actual construction cost.
3. For purposes of the building permit, the fair cost shall include all construction costs, including site preparation and utility connections but excludes the cost of the land or existing structure, architectural and engineering fees, profit, finance charges and any fees paid to the Department or to any other City agency with respect to particular approvals necessary for the construction.

Signed:


Commissioner
Inspectional Services

Calculation of Permit Fees

Page 2

4. The cost of construction shall also include the construction cost of the mechanical elements of the construction, i.e. electrical, plumbing, HVAC, elevators. While separate fees and permits are required for certain of these elements, the fees are not based on the cost of construction as such and therefore must be included in the overall cost on the building permit.
5. Construction shall also include the cost of painting, pointing finishing, etc. when integral to the construction and shall include, as well, carpeting which requires an approved fire rating.
6. In residential buildings, the cost shall also include all bathroom fixtures and kitchen cabinets, including all appliances except refrigerators.
7. When a building permit is filed the estimated cost of construction shall be entered on the application and shall be determined as indicated. The estimated cost may be changed by the applicant at any time. It is the responsibility of the applicant, however, to submit these changes before the issuance of the certificate of occupancy or before the completion of construction. It should be noted that the ultimate responsibility with respect to this Bulletin is the owner of record and the term "applicant" is meant to include the owner of record.
8. In the case of new buildings or buildings being substantially rehabilitated or renovated and where a certificate of occupancy is required, the latter will not be issued until the applicant submits, in addition to all other requirements, an up to date statement of the actual cost of construction. If the result exceeds the original estimate, then the applicant will pay an up-dated version of the permit fee for any increase.
9. For other building permits, i.e. demolition, remodeling, rehabilitation or renovation, for which a certificate of occupancy may not be required, the applicant must submit a statement of any change in the estimated cost of construction within thirty days of project completion and shall at that time pay an additional fee on the Building Permit.
10. It should be expressly understood that the issuance of a building permit containing an estimated cost of construction does not constitute approval of the amount stated as representing the final cost of construction.

Calculation of Permit

Page 3

11. It is the responsibility of the owner of record to submit any increases in the estimated fair cost of construction before the certificate of occupancy is issued. But in any event the final adjustment with respect to the actual cost of construction must be submitted to the Department within thirty (30) days from the issuance of the certificate of occupancy; or in the event that no occupancy permit is required the grace period shall be thirty days from the completion of construction.
12. Should it be determined at any time after the thirty days that the estimated cost has been exceeded without a change ~~having been submitted or~~ that the estimated cost figure has been understated on the permit, the Department of Inspectional Services shall assess, in accordance with Title 14, Section 450, Clause 103b of Boston City Ordinance a double fee based on the fee that should have been paid respecting the final cost of construction.
13. When a double fee is assessed as indicated in # 12 above, it shall be calculated in the following manner:
 - a. A permit fee based on the actual cost of construction shall be established using the current fee schedule.
 - b. The resultant fee shall then be doubled and the fee previously paid shall be deducted from the former figure. The result shall be the fee owed to the Department and shall be paid forthwith.
 - c. If the fee is not paid, the Department may then proceed with such necessary court action as authorized by law.
 - d. If the permit fee calculated in "a" above is less than \$ 200 over the original fee or less than 10 per cent over the original fee, whichever is less, then the double fee shall not be assessed and the applicant shall pay only an increased fee based on the difference.

Commissioner's Bulletin

Department of Inspectional Services
Boston, MA

Number: 87 — 1

Date: January 16, 1987

Subject:

Definition and Requirements of An Affidavit Project
in the City of Boston

Determination:

Part I

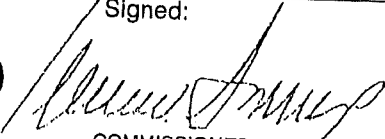
1. The purpose of this bulletin is to amplify the requirements for affidavit projects as authorized by Section 108.5, 108.6 and 127 of the Massachusetts State Building Code, Fourth Edition (780 CMR) and to clarify their application to the City of Boston.
2. This Bulletin supersedes Commissioner's Bulletin No. 180 as revised on September 7, 1984. Projects currently under construction at the date of this bulletin shall continue with respect to the requirements of Bulletin No. 180. Projects undergoing approval or which have been newly applied for shall be subject to this Bulletin.
3. This Bulletin may be referred to as Commissioner's Bulletin No. 87-1, January 16, 1987, or as the *Affidavit Project Bulletin*, and shall be effective as of the date of this Bulletin.

Part II

4. It is established policy that affidavits are to be filed with the Inspectional Services Department prior to the issuance of the building permit for all buildings or structures the cost of which exceeds a fair cost of \$950,000 or which, in the opinion of the Chief of the Plans & Permits Division, may be classified as "complex structures." (Please see Bulletin #86-6, December 15, 1986, for criteria of fair cost.)

Notwithstanding these requirements, the Chief of the Plans & Permits Division, with the approval of the Commissioner, may require individual affidavits, such as structural or mechanical affidavits, on projects with complex portions which may not otherwise be designated as "Affidavit Projects".

Signed:


COMMISSIONER
INSPECTIONAL SERVICES

5. With respect to "complex structures", the Chief of the Plans & Permits Division shall, in determining whether a proposed building may be designated as an "Affidavit Project", set forth his reasons in a memorandum to the Commissioner who may approve or disapprove the recommendation that it be so included. If approved, the Chief of the Plans & Permits Division may then proceed per the remainder of this bulletin.
6. When a project is, according to the previously stated criteria, designated as an "Affidavit Project", the following affidavits shall be required:
 - A. *Design Affidavits*
 1. Architectural Design Affidavit
 2. Structural Design Affidavit
 3. Mechanical Design Affidavit
 4. Electrical Design Affidavit
 - B. *Inspectional and/or Final Affidavits*
 5. Inspection Affidavit
 6. Licensed Builder Affidavit
 7. Inspection Final Affidavit (Architect or Engineer)
 8. Architectural Final Affidavit
 9. Structural Final Affidavit
 10. Mechanical Final Affidavit
 11. Electrical Final Affidavit
 12. Licensed Builder Final Affidavit

The formats of these affidavits are attached and made a part of this Bulletin.

7. The Inspection Affidavit Architect or Engineer (See Affidavit No. B-5 in Item 6 above) or Engineer shall be in the employ of the Owner, Design Architect or Design Engineer and not in the employ of the General Contractor or acting as the General Contractor.
8. In pursuance of the affidavit system, the Owner or the Inspection Affidavit Architect or Engineer shall appoint a qualified person to be the Clerk of the Works for the proposed project. In no case shall the Clerk of the Works be employed by or responsible to the Affidavit Contractor. However, the Clerk of the Works, in addition to all other responsibilities, shall be under the direct authority of the Commissioner of Inspectional Services, who shall, in addition, approve the appointment of the Clerk of the Works prior to the issuance of the permit. The Clerk of the Works shall submit a resume to the Commissioner, or his designee, indicating his technical qualifications. Upon approval by the Commissioner, there shall be executed an Appointment and Approval Form which is attached to this Bulletin as Appendix A.

The requirement of a full-time Clerk of the Works may be waived by the Commissioner, if in his opinion, full-time, on-site observation is not required. In such event, the duties of the Clerk shall be performed by the Inspection Affidavit Architect or Engineer during his weekly site visit.

9. The Inspecting Affidavit Architect or Engineer shall make at least one site visit per week to the building or structure for which the application was approved until the work is completed. He shall make a report monthly to the Commissioner of his visits.

In addition, the Clerk of the Works, as described in No. 8 above, shall maintain a daily log in a form and with such detail as shall be described and authorized by the Department of Inspectional Services.

10. The affidavit contractor, or his agent, must, prior to the issuance of any permit and before the affidavit project is approved, submit to the Chief of the Plans & Permits Division a copy of an approved Street Occupancy Permit received from the Boston Transportation Department. The details of application and the criteria for approval are contained in the Transportation Department's CONSTRUCTION MANAGEMENT PROGRAM report of December, 1986 from page 9 to the end of the booklet, and are a part of this Bulletin by reference. For further details contact the Boston Department of Transportation, Traffic Management Division, Room 721, City Hall, Boston.

11. With respect to the log book required by #9 above, the following requirements shall be in force:
 - A. The log book must contain sufficient detailed information for all sign-ins so that a summary record of the project will be obtained. A copy of a sample log sheet is attached as an example.
 - B. Substantial changes in design, as well as significant problems in construction must be reported to the Commissioner with proposed modifications or proposed problem solutions *before* they are affected.
 - C. Regular reports on progress and problems during construction are to be sent to the Commissioner on a monthly basis by the Licensed Builder or by the inspection affidavit engineer and/or architect.
 - D. An up to date project listing is to be filed with the Commissioner's Office containing the following information:
 - a. work site phone number
 - b. name, address and phone number of on-the-job Licensed Builder, Architect, Structural Engineer, etc.
 - c. name, address, phone number of owner or owner's representative.
 - E. The fully documented project log must be accompanied by the request for a Certificate of Occupancy. Moreover, any change in the estimated "fair cost" of the project shall be settled before a Final Certificate of Occupancy is issued. Details of the "fair cost" calculation are contained in Commissioner's Bulletin No. 86-6, December 15, 1986.
12. The Commissioner of Inspectional Services, at his discretion, may require that the Inspection Affidavit Architect or Engineer visit the project on a more frequent basis than that required in No. 9 above.
13. The Inspection Affidavit Architect or Engineer and the Clerk of the Works shall promptly notify the Commissioner regarding any of the following events or conditions which he observes in the course of performing his duties: code violations, changes which affect code compliance, the use of any materials, assemblies, components, or equipment prohibited by code, major or substantial changes between approved plans and specifications and the work in progress, or any condition which he identifies as constituting as immediate hazard to the public.
14. Upon substantial completion of the project and prior to the issuance of a Certificate of Occupancy, a final affidavit will be required to be filed with the Department by the Inspection Affidavit Architect or Engineer, as well as the other affidavit personnel indicated in the listing in No. 6 previous. No final affidavit will be waived. However, a final affidavit may, upon good cause shown and at the discretion of the Commissioner, be furnished and accepted from an architect, engineer(s) and builder other than the one who first filed the Inspection Affidavit.
15. All architects or engineers as mentioned above must be registered in the Commonwealth of Massachusetts. They shall perform all services required under this Bulletin in a non-negligent manner, in accordance with generally accepted standards of professional practice, and in accordance with pertinent provisions of the Massachusetts State Building Code and other applicable laws, rules, and regulations. Nothing contained in this Bulletin or in the Affidavits required hereunder shall be deemed to reduce, extend, or modify the standard of professional care set forth in the foregoing sentence.
16. Certain plans and computations for complex structures or systems may be required by the Inspectional Services Department, to undergo examination by a second engineer or architect registered in the Commonwealth of Massachusetts. The expense of the second examination shall be borne by the owner. It shall consist of an examination by an impartial engineer or architect who, upon his examination and conference with the designer, will send a letter to the Commissioner of Inspectional Services stating that he has checked the details, computations, stress diagrams and other data necessary to describe the construction and basis of calculations and further stating that in his judgment the requirements of the Code have been met with respect to the design.
17. Neither the Inspectional Services Department nor the Commissioner of Inspectional Services can or shall become a party or a mediator of any contractual or financial disputes in relation to any construction subject to this bulletin.
18. Nothing contained in this bulletin shall have the effect of waiving or limiting the Department's authority to enforce the Code with respect to examination of the contract documents, including plans, computation and specifications, or with respect to field inspection of construction work in progress.

19. The Commissioner of Inspectional Services may, upon written request of applicant, waive any part or all of this bulletin. The request shall include permit number, address, description of the proposed project including estimated cost and the specific reasons for the waiver requested. The Commissioner shall approve or reject the written request. In the case of approval, the Commissioner shall state the limits of the waiver and identify the specific conditions of the project which render the affidavit process or waived part thereof unnecessary or impossible.
20. In addition to all other requirements, the owner of the contractor shall present to the Department proof of a contract for rodent extermination which will show that extermination will take place before, during and at the completion of demolition. Rodent extermination is required for all excavation, foundation, basement and first floor work and on additional floors if they have been vacant.
21. It should be understood that this Bulletin does not apply to an applicant who applies and qualifies under the "Fast Track Permit Procedures" as outlined in Commissioner's Bulletin No. 86-5, December 10, 1986.

APPENDIX A

ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT

Pursuant to Sections 108.6 and 127.4 of the Commonwealth of Massachusetts State Building Code (the "Code") and Commissioner's Bulletin, the following procedure for construction inspection reporting is hereby required during construction of the project.

The Project Representative (the "Representative") engaged by the Architect or owner to fulfill the requirements of Bulletin respecting a Clerk of the Works shall be subject to the approval of the Commissioner, which approval shall not be unreasonably withheld or delayed. The Commissioner may withdraw his approval of the Representative previously given if, in his reasonable judgment, the Representative is not discharging the responsibilities required by this Order with the professionalism required for a job of the size and complexity of the Project. Any replacement of the Representative shall be subject to the provisions of this paragraph concerning approval and withdrawal of approval by the Commissioner.

The Representative shall submit written reports directly to the Commissioner on the 1st day of each month. The reports shall contain a summary of construction activities on the Project site during the preceding month, including work in progress and work completed, and a summary of all material deviations from the plans and specifications upon which said Building Permits were issued, or the requirements of Code, observed during such period and the disposition thereof. In addition to such monthly reports, the Representative shall advise the Commissioner whenever in his professional judgment a condition arises in the course of construction of the Project which is a material deviation from the plans and specifications upon which said Building Permits were issued, or the requirements of the Code, the remedy or correction of which cannot be or is not being undertaken in the ordinary course. Such advice shall be in writing and shall be hand delivered to the Commissioner.

APPENDIX A

(continued)

**ORDER OF THE COMMISSIONER OF INSPECTIONAL SERVICES CONCERNING
ACCEPTANCE OF CLERK OF WORKS & REPORT REQUIREMENTS ON PROJECT**

The Representative shall make available to the Commissioner for inspection at the site office for the Project all diaries and logs, records and reports of test procedures and results, and similar records maintained by the Representatives during the course of construction.

Signed for the Owner:

Signed for Department of
Inspectional Services:

COMMISSIONER

Company: _____

Address: _____

Phone: _____

Date: _____

Date: _____

Signed for the Affidavit Architect:

Company: _____

Address: _____

Phone: _____

Date: _____

Signed by Designated Clerk of the Works:

Company: _____

Address: _____

Phone: _____

Date: _____

INSTRUCTIONS FOR MAINTAINING THE LOG BOOK

1. The Inspectional Services Department shall require the Affidavit Engineer or Architect to keep a log of his weekly visits until the final affidavit is filed. The log sheets shall be filed in a standard 3-ring loose-leaf binder with each page numbered.
2. The Log Book shall be signed by all Inspectional Services Department inspectors, all personnel for the testing lab, clerk of works, Affidavit Engineer and his consultants, and daily by the Licensed Builder.
3. The Log Book shall be kept in a neat and orderly manner and at a location where all required personnel shall have access to it.
4. The Clerk of the Works shall note conditions of weather, noting maximum wind velocity, maximum and minimum temperature and low temperature of preceeding 24-hour period. He shall also note maximum wind velocity and minimum temperatures for holidays and weekends when no construction operations take place.
5. The Log Book shall not be used as a visitor's registration book.
6. Whenever there is a change in the principal personnel of the project, all changes shall be duly noted, with the appropriate dates, on a new title sheet, marked Revision #1, etc. In addition, these changes should be mailed directly to the Commissioner of Inspectional Services.
7. After the final affidavit is signed and before the Certificate of Occupancy is granted, the Log Book shall be returned to the Inspectional Services Department.

PROJECT ADDRESS _____

LICENSED BUILDER: _____

Company: _____

Address: _____

Phone: _____

Class: _____ Lic. No. _____

AFFIDAVIT ENGINEER or ARCHITECT: _____

Company: _____

Address: _____

Phone: _____

Mass. Reg. No. _____

PERMITS:

NUMBER

CONTRACTOR

ADDRESS

Building _____

Electrical _____

Gas _____

Plumbing _____

Sprinkler _____

Elevator _____

LOG BOOK

YEAR: _____

PROJECT ADDRESS: _____

Log Book Sheets

SHEET: _____

WARD: _____ PERMIT NO. _____

TIME
IN OUT

DATE NAME

COMPANY/POSITION

ACTIVITY/FINDINGS

PROJECT LOCATION _____

LICENSED BUILDER: _____

Class: _____ Lic. No. _____

AFFIDAVIT ENGINEER or ARCHITECT: _____

Mass. Reg. No. _____

PERMITS:

NUMBER

CONTRACTOR

Building _____

Electrical _____

Gas _____

Plumbing _____

Sprinkler _____

Elevator _____

AFFIDAVIT
ARCHITECTURAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT — MASS. REG. NO.

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires
_____ 19 _____

AFFIDAVIT
STRUCTURAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO. _____

COMPANY _____

ADDRESS _____

PHONE _____

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

AFFIDAVIT
MECHANICAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

AFFIDAVIT
ELECTRICAL DESIGN

Permit No. _____

To the Commissioner, Inspectional Services Department,

Re: _____ Ward _____

I certify that to the best of my knowledge, information and belief, the plans and computations accompanying the attached application concerning the locus at

_____ Ward _____ are in accordance with the requirements of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO. _____

COMPANY _____

ADDRESS _____

PHONE _____

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

INSPECTION AFFIDAVIT

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that I shall make at least one site visit per week from start to completion of construction to observe compliance with the Code and the approved plans and will make a report of my visits and findings. There will be a representative in my employ or in the employ of the owner on site, as outlined in Commissioner's Bulletin No. 86-revised, during construction operations. He will maintain a daily log of construction activities and report any discrepancies noted to me for my action or for my reporting to Inspectional Services Department. If the need or the situation warrants, I may substitute a Massachusetts registered architect or engineer for me subject to the written approval of the Inspectional Services Commissioner.

ARCHITECT OR ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me,

My Commission expires
_____ 19 _____

AFFIDAVIT
LICENSED BUILDER

Permit No. _____

To the Commissioner, Inspectional Services Department.

Re: _____ Ward _____

I certify that I am duly licensed to take personal charge of work under the provisions of the Massachusetts State Building Code and that I shall perform only that work described on the Building Permit application and in accordance with the plans approved by the Inspectional Services Department. I further certify that this work shall be done in accordance with the provisions of the Massachusetts State Building Code and that I will be on the site at all times

during the construction of operations at _____

LICENSED BUILDER LICENSE NO.

CLASS WHEN EXPIRES

COMPANY ADDRESS

PHONE

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me,

My Commission expires
_____ 19 _____

INSPECTION FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT OR ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

ARCHITECTURAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ARCHITECT — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

STRUCTURAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires
_____ 19 _____

MECHANICAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

ELECTRICAL FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit

No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

ENGINEER — MASS. REG. NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____
and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

LICENSED BUILDER FINAL AFFIDAVIT

To the Inspectional Services Commissioner:

I certify that I, or my authorized representative, have inspected the work associated with Permit No. _____, dated _____, locus _____

Ward _____ (on the dates used below or on at least _____ occasions during construction), and that to the best of my knowledge, information, and belief the work has been done in conformance with the permit and plans approved by the Inspectional Services Department and with the provisions of the Massachusetts State Building Code and all other pertinent laws and ordinances.

LICENSED BUILDER — LICENSE NO.

COMPANY

ADDRESS

PHONE

Inspection Dates:

_____ 19 _____

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me,

My Commission expires

_____ 19 _____

Number: 87-2

Date: April 28, 1987

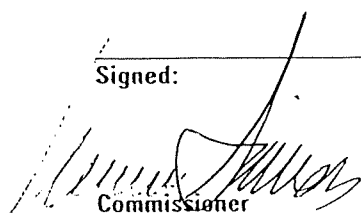
Subject:

CONTROL FOR READY MIX CONCRETE
(Section 817.0 of Massachusetts State Building Code)

Determination:

1. Control for ready mix concrete shall conform to the requirements of American Concrete Institute 318 and American Society for Testing and Materials C94 as stated in Section 817.0 of the Massachusetts State Building Code.
2. An "approved" testing laboratory is one which has been certified by the National Bureau of Standards, Cement and Concrete Reference Laboratory, Washington, D.C. 20234. This certification must be renewed every two years.
3. The concrete testing laboratory must be engaged and paid for by the building or structure owner and not the contractor. Copies of all laboratory reports must be sent to the owner, the contractor, the ready mix concrete supplier, the structural engineer or architect and the Commissioner of Inspectional Services to arrive within seven days of the laboratory test. No building permit shall be issued without evidence that an approved laboratory has been engaged. In the case of an owner-contractor, the laboratory must be mutually agreeable to the owner-contractor and the Commissioner of Inspectional Services.
4. The design of the concrete mix shall be the responsibility of the affidavit engineer where one is required. Where no affidavit engineer is required the design of the concrete mix shall be the responsibility of the engineer or architect whose professional seal appears on the approved plans.

Signed:


Commissioner
Inspectional Services

5. Test samples shall be taken of the ready mixed concrete as it is delivered at the jobsite and in the manner and under conditions set out in the standards referred to in number one above. Test samples at the batch plant are optional to the owner or owner-contractor. However, the Commissioner of Inspectional Services may require that test samples be taken at the batch plant where the results of testing samples taken at the job site reveal continuing or uncorrected problems.
6. Commissioner's Bulletin #179 (April 2, 1971) is hereby rescinded.

Number: 87-3

Date: April 29, 1987

Subject: REGULATIONS GOVERNING THE REGISTRATION OF THE SERVICING AND TESTING
OF COMMERCIAL WEIGHING AND MEASURING DEVICES

Determination:

Based on the authority contained in Massachusetts General Laws, Chapter 98, Section 34, Statute 1965, Chapter 656 as well as authorization contained in the Ordinances of 1981, Chapter 19, the attached rules and regulations are hereby adopted.

Adoption of these rules is based on an advertised public hearing held on April 6, 1987. The minutes and results of that public hearing, together with copies of public notice, are on file with the Boston City Clerk.

The rules and regulations which follow are effective as of July 1, 1987.

Signed:



Commissioner
Inspectional Services

REGULATION
GOVERNING THE REGISTRATION OF THE SERVICING
AND TESTING OF COMMERCIAL
WEIGHING AND MEASURING DEVICES

SECTION ONE. Policy.

Pursuant to the authority contained in Massachusetts General Laws Chapter 98 s.34 and Statute 1965 Chapter 656, it shall be the policy of the Department of Inspectional Services of the City of Boston through its Division of Weights and Measures to require the registration of individuals and entities engaged in the activity of installing, servicing, repairing, reconditioning or testing commercial weighing or measuring devices within the City of Boston.

For the benefit of the users, manufacturers, and distributors of commercial weighing and measuring devices, it shall be the policy of the Commissioner of Inspectional Services, hereinafter referred to as Commissioner, to register individuals and entities which provide acceptable evidence of: (1) qualification by training or experience to install, service, repair, or recondition a commercial weighing or measuring device; (2) a thorough working knowledge of all appropriate weights and measures laws, orders, rules, and regulations; and (3) possession of or availability for use, and agreement to use, calibrated weights and measures standards and testing equipment appropriate in design and adequate in amount.

No employee of local, state or federal government shall be eligible for registration.

The Commissioner, through the Division of Weights and Measures, shall verify the qualifications of each applicant.

A Certificate of Registration, issued in accord with these regulations, shall be required to propose the removal of Condemned Tags placed on Commercial Weighing and Measuring Devices by authorized Weights and Measures officials, to propose placement in service of repaired Devices that were rejected, or to propose placement in service of Devices that have been newly installed, in compliance with these regulations, within the City of Boston.

The Commissioner shall not guarantee the work or fair dealing of a Registrant. He may, however, remove from the registration list any Registrant which violates any section of these regulations.

Failure to notify the Commissioner that a Condemned Tag is proposed to be removed or a Device is proposed to be placed in service, pursuant to these regulations, or unauthorized removal of a Condemned Tag or unauthorized placement in service of a device shall constitute a violation of these regulations and may be grounds for immediate suspension or revocation of registration. Furthermore, unauthorized removal of a Condemned Tag or unauthorized placement in service of a Device shall be considered obstruction of the sealer in performance of his duty and shall be subject to the penalties contained in G.L.c.98 s.34.

ISD/4/27/00

3.3 Registered Apprentice Serviceperson. An applicant for registered apprentice serviceperson shall submit: (1) appropriate evidence of less than four years of training and/or experience in servicing Commercial Weighing and Measuring Devices; (2) at least two references as to professional and personal qualifications; and (3) sponsorship by a Registered Serviceperson or Agency.

3.4 Registered Agency. Any non-individual applicant shall be considered, for purposes of these regulations, to be an agency. Any agency applicant shall submit the names and registration numbers of all Servicepersons and Apprentice Servicepersons employed by and/or associated with it and engaged in any activity covered by these regulations within the City of Boston. As a condition of Agency registration, registration of individual Servicepersons and Apprentice Servicepersons who are employed by and/or associated with the Agency and engaged in any activity covered by these regulations within the City of Boston shall be required.

SECTION FOUR. Registration Procedure.

An individual or agency seeking to perform any of the activities covered by these regulations in the City of Boston shall apply for registration to service Commercial Weighing Devices and Measuring Devices on an application form supplied by the Commissioner. Said form shall include a signed, sworn statement by the applicant that the individual or agency is fully qualified to install, service, repair, or recondition whatever Devices for the service of which competence is being registered, has in possession or available for use, and will use, all necessary testing equipment and standards, and has full knowledge of all appropriate weights and measures laws, orders, rules, and regulations.

SECTION FIVE. Registration Fee and Application.

The Registrant, when so designated by the Commissioner, shall be charged a fee consistent with the fee set forth in the City of Boston Code.

SECTION SIX. Certificate of Registration.

Upon approval by the Commissioner, he shall issue to the applicant a Certificate of Registration which shall expire one (1) year after the date of issuance, unless sooner suspended or revoked.

15D
4/27/87

A Registrant shall also furnish the Commissioner with a statement of what disposition has been made of the Commercial Weighing and Measuring Device within ten days of any such disposition.

SECTION TEN. Examination And Calibration Or Certification Of Standards And Testing Equipment.

A Registrant shall submit, at least annually, to the Massachusetts State Division of Standards, for examination and certification, any standards and testing equipment that are used, or are to be used, in the performance of the service and testing functions with respect to Commercial Weighing and Measuring Devices for which competence is registered. A Registrant shall not use in servicing Commercial Weighing and Measuring Devices any standards or testing equipment that have not been certified by the State Division of Standards. Equipment calibrated by another State's Weights and Measures Laboratory that can show traceability to the National Bureau of Standards will also be recognized as equipment suitable for use by Registrant pursuant to these regulations.

SECTION ELEVEN. Suspension or Revocation of Certificate of Registration.

11.1 The Commissioner is authorized to suspend or revoke a Certificate of Registration for good cause which shall include but is not limited to: Violation of any section of these regulations; failure to have test equipment or standards certified; failure to use adequate testing equipment; and failure to adjust Commercial Weighing and Measuring Devices to comply with Handbook 44 subsequent to service or repair.

11.2 Where the Commissioner determines that it would be detrimental to the public interest and states reasons therefor, the Commissioner may revoke or suspend a registration prior to hearing. Thereafter, the Commissioner must schedule a hearing within seven working days of the revocation or suspension.

11.3 Except as otherwise provided in Section 11.2, after refusing to issue a registration or prior to revoking or suspending a registration, the Commissioner shall designate a hearing officer and a hearing shall be held.

11.4 At least five working days prior to the hearing, the Commissioner shall notify the Registrant in writing, return receipt requested, of the specific grounds for the Commissioner's proposed action and the date, time and place of the hearing.

150
4/21/84

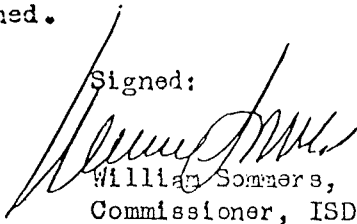
The Boston Herald, Friday, February 27, 1987

PUBLIC HEARING
Boston, Massachusetts.
Notice is hereby given
that at 10:00 a.m. on
Monday, April 6, 1987 a
public hearing will be
held by the Inspectional
Services Department of
the City of Boston in the
Conference Room on the
fifth floor at 1010 Massa-
chusetts Avenue, Bos-
ton, Ma. 02118, upon the
proposed regulation re-
quiring the registration
of individuals and enti-
ties engaged in the ac-
tivity of installing, ser-
vicng, repairing and
reconditioning, or test-
ing commercial weigh-
ing or measuring de-
vices within the City of
Boston pursuant to the
authority contained in
Chapter 98 Section 34
and Statutes 1965 Chap-
ter 656 of Massachusetts
General Laws). Copies
of the proposed regula-
tions may be inspected
at the Department of
Inspectional Services,
Division of Weights and
Measures, fifth floor,
1010 Massachusetts Av-
enue, Boston, Ma. be-
tween the hours of 8:00
a.m. and 4:00 p.m. every
weekday until the public
hearing. Feb 25 26 27

On Monday April 6, 1987, at 10:15 a.m. a public hearing regarding the proposed regulation requiring the registration of individuals and entities engaged in the activity of installing, servicing, repairing and reconditioning or testing commercial weighing or measuring devices within the City of Boston (Pursuant to the authority contained in Chapter 98 Section 34 and Statutes 1965 Chapter 656 of Massachusetts Laws). The hearing was held at 1010 Massachusetts Avenue in the fifth floor Conference Room of the Inspectional Services Department. Present at the hearing were William A. Sommers, Commissioner, and Paul H. Manning, Executive Secretary of Weight and Measures. None other than the parties specified above were in attendance. The hearing was closed at 10:30 a.m.

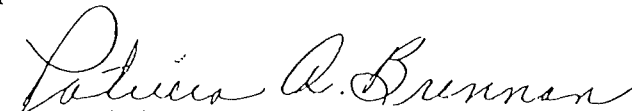
This is to certify that the public hearing as described above was held and that I, personally, chaired the public hearing on the date above mentioned.

Signed:


William Sommers,
Commissioner, ISD

4/9/87

Then appeared before me the above named William Sommers, Commissioner of the City of Boston Inspectional Services Department and swore that the above statement is true.


Patricia A. Brennan
Notary

My Commission expires May 4, 1987

4/9/87

Number: 87-4

Date: May 14, 1987

Subject:

**RODENT EXTERMINATION REQUIREMENTS FOR BUILDING
DEPARTMENT PERMIT APPLICATIONS**

Determination:

1. In accordance with Authority granted to the Commissioner of Inspectional Services by the Massachusetts State Sanitary Code, Chapter II, 105 CMR 410.550 and under Section 108.6 of the State Builders Code it is hereinafter established that extermination for rodents shall be required for issuance of permits for demolition, excavation, foundation and basement rehabilitation. The purpose of this policy is to reduce or eliminate rodent infestation.

2. Applicants who file for work as defined in #1 above must file a certificate of rodent extermination from a licensed exterminator with the application indicating that extermination will be carried out before, during and at completion of such work.

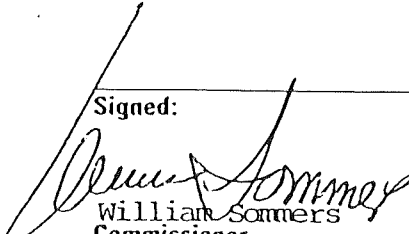
With the approval of the owners, any premises impacted upon within three hundred (300)-feet of such work shall be exterminated. Only the premise exterior need be baited.

3. Licensed exterminators shall indicate by first and second inspections (before and during construction activity, respectively) that no rodent activity is identified. Compliance with this policy will be monitored by the Rodent Control Unit of the Inspectional Services Department.

4. No Certificate of Occupancy will be issued where noncompliance with this policy is identified.

5. This policy shall be effective upon the issuance date of this Bulletin.

Signed:


William Sommers
Commissioner
Inspectional Services

Number: 87-5Date: August 31, 1987

Subject:

Requirements for Plan Submission and Microfilming Requirements (Temporary)

Determination:

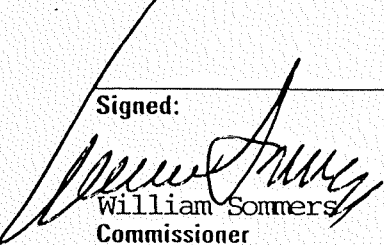
1. The requirements that are hereby adopted in what follows are considered a temporary measure by the Department of Inspectional Services until such time as permanent measures for microfilming are put into effect.

2. PLAN REQUIREMENTS:

Two sets of plans are required for all applications. Certified plot plans are required for all applications requiring zoning review. The plans must be of reproducible quality and the legal street address and permit number clearly printed in the lower corner of each page. A title page with index of plans is also required (see sample format on last page).

3. MICROFILM PROCEDURE:

It shall be the responsibility of the applicant or their authorized agent to arrange for the microfilming of approved plans for all projects which involve plans with more than five (5) sheets. For projects involving plans with five (5) sheets or fewer the applicant can have the microfilming done by ISD at a rate of \$2.00 per sheet. On projects with more than five (5) sheets the applicant or agent will be provided with the approved plans at the time the permit or amendment is issued. The applicant or agent must have the plans microfilmed in "Data Card Format" (see sample on following page) with the information typed on each card as shown.

Signed:

William Sommers
Commissioner
Inspectional Services

Street Name	Number	Ward	Permit No./Yr	Card No.
WASHINGTON ST	4873	20	0793/87	00F17

MMM 5001 FILMSORT® Brand Aperture & Camera Cards and DUPLICARD® Brand Copy Cards - Product of 3M, St. Paul, Minn.

The microfilmed plans must be returned to the Plans & Permits Divison, ISD within two calendar weeks of receipt of the permit. The approved set of plans with more than ten (10) pages must be on the site in the same two weeks time period. Applicants with ten (10) or fewer pages of plans will be provided with a second set of approved plans at the time the permit or amendent is issued. This second set of approved plans must be on the site at the time construction is started.

4. PENALTIES:

Failure to return the microfilmed plans or have the approved plans on site within the required time period will be cause for revocation of the permit or amendment. This time limit can only be extended by the written authorization of the Commissioner of ISD or Chief of Plans and Permits Division.

5. BFD MICROFILM:

A duplicate set of microfilmed plans shall be required and provided by the applicant or their authorized agent when the Boston Fire Department requires that plans be kept on file. This duplicate set of microfilmed plans will also be returned to the Plans and Permits Division, ISD within the same two week period and with the same information on each card as is listed above. The requirement for the Boston Fire Department plans will be noted on the approved permit application.

6. MICROFILMING SOURCES:

Microfilming services can be obtained from the following companies:

All State Ltd.
160 North Washington St.
Boston, MA 02114
Vincent Brunetti 227-5767

Applied Microfilmed
26 Bedford St.
Waltham, MA 02254
John X. Doherty 893-7863

General Microfilming Co.
70 Coolidge Hill Rd.
Watertown, MA 02172
926-5557

Spaulding Co., Inc.
80 Hawes Way
Stoughton, MA 02072
828-8090

However, this listing is given as a customer service and should not be considered an endorsement nor a requirement; services may also be available from other companies as well. Consult the Yellow pages of your phone book. Should you or a microfilming company have any questions concerning the department requirements for microfilm, please call 442-1345.

7. SAMPLE INDEX OF PLANS:

<u>Page No.</u>	<u>Contents or Description</u>
T-1	Title Pg/Index of Plans
D-1	Demolition Plan
A-1	1st & 2nd Floor Plans
A-2	Elevations - Sections
S-1	Structural Details
E-1	Electrical Plan

Number: 87-6

Date: September 22, 1987

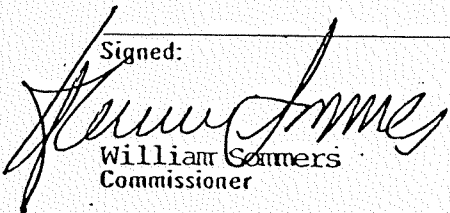
Subject:

Construction License Exemption Form for Homeowner(s)

Determination:

1. The Boston Code of Ordinances requires that every structure built in the City must be under the supervision of a licensed builder.
2. However, section 109.1.1 of the State Building Code, Fourth Edition (780 CMR) authorizes municipalities to waive this requirement for owner-occupied dwellings of six units or less and allows a home owner to engage a person who does not have a license. In these cases, however, the owner must act as supervisor.
3. The Department of Inspectional Services, Buildings and Structures Division, in accord with the Code, does hereby waive the requirement as indicated in number 1. above, provided that
 - a. The homeowner submits to the Department at the time of application a certification showing the owner accepts the waiver with the full knowledge that the owner shall be responsible for all such work performed as described in the building permit.
 - b. The form for this certification is attached. Only this form will be accepted and must be fully completed and signed with the countersignature of the responsible building official.
4. In order to clarify the administration of such waivers homeowner is defined as follows:

Signed:


William Sommers
Commissioner

- a. a person or persons who owns a parcel of land on which he or she resides or intends to reside, and on which there is, or is intended to be, a dwelling of six units or less and attached or detached structure accessory to such use.
 - b. A person or persons who constructs more than one home in a two year period shall not be considered a homeowner.
5. It is expressly understood that any homeowner, in receiving the exemption as hereinbefore described, shall assume all responsibility and be liable for the compliance of the building with State Building Code, all other applicable codes and city ordinances, and shall operate consistent with the established minimum inspection procedures and requirements of the Buildings and Structures Division of Department of Inspectional Services.
6. The granting of the exemptions under this Bulletin does not imply or authorize similar waivers for electrical, plumbing or gas installations. Persons who are engaged in these installations must still have the proper license and make application for the proper permits.

City of Boston
Inspectional Services Department
Division of Building & Structures
Construction License Exemption for Home Owner(s)

Please print.

DATE _____

JOB LOCATION _____
Number Street Address Ward

"HOMEOWNER" _____
Name Home phone Work phone

PRESENT MAILING ADDRESS _____

_____ City/Town State Zip code

The current exemption for "homeowners" was extended to include owner-occupied dwellings of six units or less and to allow such homeowners to engage an individual for hire who does not possess a license, provided that the owner acts as supervisor. (State Building Code Section 109.1.1).

DEFINITION OF HOMEOWNER:

Person(s) who owns a parcel of land on which he/she resides or intends to reside, on which there is, or is intended to be, a one to six family dwelling, attached or detached structures accessory to such use and/or farm structures. A person who constructs more than one home in a two-year period shall not be considered a homeowner. Such "homeowner" shall submit to the Inspectional Services Department on a form acceptable to the Building Official, that he/she shall be responsible for all such work performed under the building permit. (Section 109.1.1)

The undersigned "homeowner" assumes responsibility for compliance with the City of Boston Building and Structures Division minimum inspection procedures and requirements and that he/she will comply with said procedures and requirements, as noted on the back of the Building Card.

HOMEOWNER'S SIGNATURE _____

APPROVAL OF BUILDING OFFICIAL _____

Note: All Structures 35,000 cubic feet, or larger, will be required to comply with State Building Code Section 127.0, Construction Control.

Number: 87-8

Date: September 3, 1987

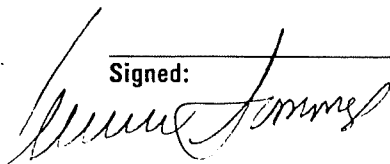
Subject:

Modified Requirements for Certified Plot Plans

Determination:

1. In order to simplify the permitting procedure and reduce the cost to applicants who purpose small renovations, additions or remodelings, the Department of Inspectional Services has adopted simplified requirement on the submission of the certified plot plans.
2. Effective the date of this Bulletin, applicants may locate certain structures, defined in #3 below, on an existing certified plot plan, mortgage plan or professionally drawn site plan without having the additions certified by a registered professional surveyor or engineer.
 - A. The applicant may draw in the structure, addition, etc. on an existing certified plot plan, mortgage plan or professionally drawn site plan, providing the scale of the plan is not less than one inch equals forty feet.
 - B. The applicant must place the structure, addition, etc. neatly and to scale on the plot plan showing the new dimensions clearly.
 - C. The applicant must file with the plot plan a notarized certification attesting the factual accuracy of what the applicant has drawn onto the existing plot plan. A copy of the certification is attached.
3. Plot plans described in #1 and #2 above shall be accepted for the following types of structures:

Signed:



**Commissioner
Inspectional Services**

decks	sheds
roof decks	inground pools
domers	fences
garages	additions to one and two family dwellings
	additions to allowed uses in a
	local business (L) districts
	additions within the footprint of the
	existing building

4. If in the judgement of the Zoning Administrative the structure(s) drawn onto the existing plot plan is unclear, without proper scale or dimensions the Department may require that the applicant submit a redrawn plot plan.

AFFIDAVIT FOR OWNER LOCATED STRUCTURE(S) ON CERTIFIED PLOT PLAN

Date: _____

To Inspectional Services Commissioner of the City of Boston

I certify that I will install the structure(s) located on the certified plot plan at _____, Ward _____, as I have specified on the attached plans.

To the best of my knowledge, information, and belief the structure(s) that I have located on the plot plan is accurate with regard to distance from property lines and dimensions. I accept full liability for the plans that I have submitted locating the proposed structure(s) and agree to take whatever steps are necessary including demolition of the proposed structure(s) should the information I have provided on the attached plot plan proves to be inaccurate and zoning violations are found to exist.

I further state that I have neatly located the proposed structure, and have drawn the plans to the specified scale.

Signature of Owner or Applicant

Name (print or type)

Address

Then personally appeared the above-named _____ and made oath that the above statement by him is true.

Before me.

My Commission expires

Number: 87-9

Date: September 22, 1987

Subject:

To provide for the restoration of buildings raised to their foundation under an order of the Commissioner of Inspectional Services Department.

Determination:

1. The Boston Zoning Code provides that a non-conforming structure, when raised to its foundations whether by fire or by direct demolition, loses its status of non-conformance. Any rebuilding or reconstruction in these cases must conform with existing code requirements.
2. However, the Boston Zoning Code, under Section 4-1, article 4 declares that when a structure is declared unsafe by the Commissioner of Inspectional Services and is ordered razed, nothing in the code shall prevent a restoration to its original and safe condition.
3. In consideration of these features of the Zoning Code and mindful of the fact that many buildings damaged by fire have been ordered razed to their foundations by the Commissioner of Inspectional Services in the interest of public safety, it has been determined as follows:
 - a. When a building is ordered razed to the foundations by the Commissioner of Inspectional Services in the interests of public safety because of fire or act of nature or public calamity, the owner may restore the building to its original status.
 - b. Such restoration shall be done on application for building permit and shall be reviewed and approved in accordance with the State Building Code and other applicable codes save the reference to the applicability of the Zoning Code as indicated in number 2 above.

Signed:


William Sommers
Commissioner

- c. The owner or owner's agent shall submit sufficient proof to substantiate the size, shape, footprint and use of the structure prior to its having been razed.
- d. The restoration as authorized under this Bulletin shall have begun construction based on validly issued permit within three years of date of the order of the Commissioner to raze the building.

Number: 87-10Date: October 20, 1987

Subject:THE USE OF CPVC AND POLYBUTYLENE PIPES FOR WET SPRINKLER USE

Determination:

1) The Department of Inspectional Services has determined, in accordance with the National Fire Protection Association Codes and Standards National Fire Codes 1985, that the use of chlorinated polyvinyl chloride (CPVC) and polybutylene pipe and fittings is acceptable in specified instances for use as piping for wet sprinkler installation. NFPA Code and Standards National Fire Code 1985 NFPA 13 Chapter 3-1.1.5 states "other types of pipe or tube may be used, but only those investigated and listed for this service by a testing and inspection laboratory." Underwriter's Laboratories Incorporated has approved PVC and polybutylene pipe to be allowed for use on wet sprinkler systems.

However, in order for a sprinkler contractor to use plastic pipe some basic limitations must be adhered to prior and during the installation. These limitations must be checked for during any inspection and be strictly adhered to in order for plastic pipe to be used in any installation. These are the limitations that must be followed in order to use plastic pipe:

A. Plastic pipe and fittings are intended for use in sprinkler systems in the following types of occupancies:

1. Residential occupancies as defined in the sprinkler systems in one and two family dwellings, NFPA 13D.
2. Light Hazard Occupancies as defined in the Standard for Installation of Sprinkler Systems, NFPA 13.

Signed:

William Sommers
Commissioner

B. Protection should be provided for CPVC and polybutylene pipe and fittings. The minimum protection shall consist of one layer of 3/8 inch gypsum wallboard, (for polybutylene - 1/2 inch gypsum wallboard), or acoustical ceiling panels classified as to surface burning characteristics, or 1/2 inch plywood soffits. For residential occupancies defined in NFPA 13D, the minimum protection may consist of one layer of 1/2 inch plywood.

C. CPVC and polybutylene pipe and fittings are intended for installation in areas having a maximum ambient temperature of 120 degrees Fahrenheit.

D. CPVC and polybutylene piping are intended for use in wet sprinkler systems only.

E. CPVC and polybutylene are intended for use in interior applications only.

F. CPVC and polybutylene are intended for use with sprinklers having a temperature rating not exceeding the ordinary rating as defined in NFPA 13.

G. CPVC and polybutylene requires special requirements for hanger spacing, assembly of piping and fittings, pipe and sprinkler restraint and location.

H. CPVC and polybutylene piping requires special procedures for field acceptance testing.

I. CPVC and polybutylene piping and fittings incorporate different friction loss characteristics.

J. CPVC and polybutylene piping are not suitable for use in combustible concealed spaces where sprinklers are required as referenced in NFPA 13.

2) Requirements for Pipe Markings

Each length of pipe must be marked with the following:

1. Listee's name or identifying symbol
2. Type of pipe, "CPVC" or "PB"
3. Size, pressure rating (175 P.S.I.) and temperature rating (120 degrees Fahrenheit)
4. Standard dimensional ratio (CPVC-SDR 13.5), (PB-SDR 11) and specification (CTS or IPS)
5. Material designation
6. Date, shift, and extruder code of manufacture .

The packing for the brand of piping and fittings approved, at this time, includes the marking which states "Install Pipe and Fittings in accordance with installation instructions (see instructions inside packaging)." A copy of the installation instructions is provided inside the packaging. All installation must be completed according to the installation instructions. Polybutylene piping shall be packaged to protect the pipe from sunlight during shipping and storage.

3) Fitting Requirements

Each fitting must be marked with the following:

1. Listee's name or identifying symbol
2. Size of fitting
3. Material designation
4. Year of manufacture
5. Dimensional specification (CTS or IPS) - for polybutylene piping

4) Important notice:

ALL PIPING USED MUST BE APPROVED BY UNDERWRITER'S LABORATORY OR FACTORY
MUTUAL LABORATORY.

- 5) This Bulletin is intended to supersede and replace
Commissioner's Bulletin No. 86-4 of April 14, 1986.

Number: 87 - 11

Date: November 6, 1987

Subject:

Chapter 354 - AN ACT REQUIRING INSURANCE COVERAGE
FOR PLUMING AND GAS FITTING CONTRACTORS.

Determination:

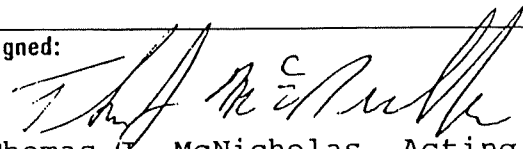
In order to implement the Commonwealth of Massachusetts GL Chapter 142. Sec. 21, 21a the following permit processing steps are required.

Policy effective November 9, 1987.

1. Re-establish the ISD Log Books for licensed gas fitters and plumbers with the following information:
 - A. Signature of gas fitter or plumber
 - B. licensed number
 - C. Address
 - D. Bond/other type of liability on file with ISD
2. Each permit application must be accompanied by a "completed operation" work cost break-down sheet.
3. Post bond or other type of indemnity against liability.

Attached copy of MGL/s667

Signed:


Thomas G. McNicholas, Acting
Commissioner

THE COMMONWEALTH OF MASSACHUSETTS

In the Year One Thousand Nine Hundred and Eighty-seven

AN ACT REQUIRING INSURANCE COVERAGE FOR PLUMBING AND GAS FITTING CONTRACTORS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Chapter 142 of the General Laws is hereby amended by inserting after section 21 the following section:-

Section 21A. Notwithstanding the provisions of any general or special law to the contrary, no permit for the performance of plumbing and gas fitting work pursuant to this chapter shall be issued by any city or town unless the licensee provides proof of liability insurance, including "completed operation" coverage, which has been issued by an insurance company licensed to do business within the commonwealth, or a bond or other type of indemnity against liability providing substantially equivalent coverage.

House of Representatives, August 6, 1987.

Passed to be enacted, *George Linnian*, Speaker.

In Senate, August 6, 1987.

Passed to be enacted, *Walter Brennan*, Acting President.

August 11, 1987.

Approved.

Michael Dukakis Governor.

Number: 88-6

Date: July 6, 1988

Subject:

EXISTING HAZARDOUS MATERIALS

Determination:

Policy effective August 1, 1988

Applicants for all permits must answer questions relative to the existence of all hazardous materials which are directly involved with the applicant.

Such materials include, but are not limited to asbestos. Nothing in this notification relieves anyone who violates any statute prior to August 1, 1988.

Questions will include:

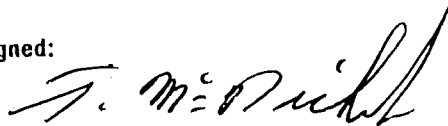
1. Are any known hazardous materials involved, such as asbestos, P.C.B., etc.?

NO _____

YES
(explain) _____

2. If applicable, the applicant must state what preparation(s) and/or notification(s) have been made.
- _____
- _____
- _____

Signed:



Commissioner (Acting)
Inspectional Services

Number: 89-1Date: Feb. 8, 1989**Subject:**

CITY OF BOSTON REGULATIONS
FOR THE IMPLEMENTATION OF THE SECURITY ORDINANCE FOR
ELDERLY/HANDICAPPED HOUSING DEVELOPMENTS

Determination:Section I ADMINISTRATION

1.) Title: These regulations (Commissioner's Bulletin # 89-1) shall be known as the City of Boston Regulations for the implementation of the Security Ordinance for Elderly/Handicapped Housing Developments.

2.) Scope: These regulations in accordance with the City of Boston Code, Ordinance 9, as amended by Chapter 26 of the Ordinances of 1984 and Chapter 39 of the Ordinances of 1984, Chapter 4 of the Ordinances of 1989 shall control the Security Requirements for Elderly/Handicapped Multi-Family Housing Developments within the City of Boston.

3.) Applicability: The provisions of these regulations shall apply to any building, structure, development, or complex of ten or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.

4.) Authority: Under the authority granted by M.G.L. Chapter 111, Section 127A, City of Boston Code, Ordinance 9, and Chapter 4 of the Ordinances of 1989, the Commissioner of Inspectional Services has promulgated these regulations. These regulations shall be construed in a manner consistent with the State Sanitary Code. The Commissioner is empowered in the interest of public safety and general welfare to alter,


Signed:**Commissioner
Inspectional Services**

rescind, amend, and repeal in accordance, these regulations, so long as alteration, recission, amendment or repeal is consistent with the requirements of the State Sanitary Code, Ordinance 9, as amended by Chapter 26 of the Ordinances of 1984, Chapter 39 of the Ordinance of 1984, and Chapter 4 of the Ordinance of 1989, as the same may be from time to time amended.

5.) Enforcement: The Commissioner of the Inspectional Services Department shall enforce and administer the provisions of these regulations.

6.) Record of Proceedings: The Commissioner of the Inspectional Services Department or his/her designee shall designate one employee of the Department to act as a clerk for all proceedings related to the implementation of the Security Ordinance. The clerk shall keep a detailed record of all correspondence between the Commissioner and landlords and tenants related to the Security Ordinance and regulations, all hearings, decisions, and appeals. Such record shall include a docket book showing the name of each development and shall be properly indexed by street and owner; the docket book shall also include a short description of the Commissioner's decision in each case. Such docket book and records shall be open to public inspection during normal business hours. Upon entry, the clerk shall be furnished with a copy of all documents relative to a landlord's security plan or a party's petition for a modified security plan.

7.) Hearing Officers: The Commissioner may appoint up to three employees of the Department to act as hearing officers for any proceedings before the Commissioner required by the Security Ordinance and these regulations. These hearing officers shall hear testimony and take evidence in accordance with G.L. c. 30A, S.11(1-6). Following the hearing, each hearing officer shall submit a summary of the evidence presented and a recommendation to the Commissioner. The Commissioner's decision shall be based upon the evidence presented to the hearing officer, but the Commissioner shall not be bound by the recommendation of the hearing officer and shall make his/her own independent judgement about whether approval of a security plan is warranted, based upon the evidence submitted.

8.) Memorandum of Understanding with Police Department: The Commissioner shall enter into a memorandum of understanding with the Police Commissioner concerning the manner in which the Police Department and the Inspectional Services Department shall coordinate their respective functions in the implementation and enforcement of the provisions of the Security Ordinance.

9.) Administrative Notification to Interested Organizations:
Upon the written request of any organization which represents the general interest of elderly/handicapped tenants, or the general interest of owners of elderly/handicapped housing, the Commissioner shall insure that such organizations get notice, on a monthly basis, of the notices that are being sent out under Section III of these regulations, or of the hearings that are being held and decisions made under Section VI of these Regulations regarding security plans or modified security plans.

Section II Definitions

Meaning- Unless otherwise expressly stated, the following terms shall, for the purpose of Commissioner's Bulletin # 89-1 have the meaning indicated in this section.

Building Entrance- An entrance providing access from outside the building or from any entry vestibule to an interior corridor, lobby, or stairway which leads to an individual dwelling unit.

Building Permit- A permit by the Inspectional Services Department for the construction of any building or for any substantial alteration or addition thereto, as defined in Section 1 of Chapter 143 of the General Laws of the Commonwealth of Massachusetts.

Certified Crime Prevention Personnel- Person or persons who are employed by the Boston Police Department and who have been designated by the Police Commissioner, pursuant to the Security Ordinance, to undertake crime prevention surveys and/or assist the Commissioner of the Inspectional Services Department in the assessment of the adequacy of security plans.

Conspicuous location- A location which is reasonably calculated to draw tenants' attention. Locations which have been previously used in developments to post notices of general notice to tenants may be conspicuous locations, so long as the notices required by these regulations and the Security Ordinance stand out and are not obscured by other notices.

Cost Prohibitive- Elements mandated by a crime prevention survey shall be regarded as cost-prohibitive within the meaning of the Security Ordinance and these regulations only if the increased costs must be passed on to the tenants' share of the rent, i.e., the tenants are not shielded by the form of subsidy for their development from the direct impact of such increased costs.

Crime Prevention Survey- A survey conducted by the Boston Police Department in accordance with the Security Ordinance which includes findings as to the security and public safety needs of an elderly/handicapped multi-family housing development and recommendations as to how such needs shall be met through existing or new security measures, such as lighting, locks, safety officers, security stations, security systems, or other equipment, personnel, or programs.

Days- Calendar days.

Dwelling Unit- The part of a building that is used as a home, residence, or sleeping place by one or more persons who maintain a household.

Elderly/Handicapped Multi-Family Housing Development- Any building, structure, development, or complex of ten or more dwelling units under common ownership, rented or offered for rent for dwelling purposes within the City of Boston, which is specifically designed or designated for rental by elderly or handicapped persons.

Elderly Person- Any person who is at least sixty-two years of age.

Fiscal or Contracting Constraints- Legal requirements that apply to a landlord that either limit the time of year in which the landlord can seek funding for capital or management improvements or that mandate that certain public bidding and contract award procedures be followed in undertaking such capital or management improvements. Such requirements shall not excuse a landlord's compliance from the requirements of the Security Ordinance or these regulations, but may be a basis for the landlord to seek modifications in the method or timetable for meeting the security needs identified in a crime prevention survey.

Handicapped Person- Any person who is physically handicapped as defined in Section 13A of Chapter 22 of the General Laws of the Commonwealth of Massachusetts or mentally handicapped as defined by 29 U.S.C. Section 706 (7) (b).

Landlord- The individual who holds title either alone, jointly or severally with others or has care, charge or control of any elderly/handicapped multi-family housing development in any capacity including but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title; or lessee under a written letting agreement, mortgagee in possession; or agent, trustee or other person appointed by the courts. Each such person is bound to comply with the provisions of these regulations.

Modified Security Plan- A security plan, as defined in these Regulations, which varies from the security measures recommended by a crime prevention survey because: (1) the landlord disputes the need for any of the specific security measures, or the timetable for carrying out the security measures, based upon the fiscal or contracting constraints that apply to the particular development, or (2) the landlord and/or tenants believe that the additional security measures recommended by the crime prevention survey are such as to be cost-prohibitive, as defined in these Regulations and the Security Ordinance, and the landlord and/or tenants have been unable to obtain sufficient funding, equipment, or services to offset the cost-prohibitive aspect of the additional measures.

Safety Officers- Police officers of the City of Boston, or special police officers appointed pursuant to applicable law to protect persons or property in public or subsidized housing, or persons employed as guards or investigators by a duly licensed watch, guard, or patrol agency, as defined in section 22 of Chapter 147 of the General Laws of the Commonwealth of Massachusetts.

Security Measures- Measures or steps to maintain or improve the security of tenants of an elderly/handicapped housing development against assault, robbery, theft, or other violence or crime against their persons or property in or around such development. Such measures may include, but are not limited to, interior or exterior lighting, locks, safety officers, security stations, security systems, or other equipment, personnel, or programs.

Security Ordinance- Chapter 4 of the Ordinances of 1989 of the City of Boston.

Security Plan- A plan for providing security and public safety measures for the tenants of an elderly/handicapped multi-family housing development, based upon a crime prevention survey, which meets the criteria and has been developed in accordance with the process outlined in the Security Ordinance and these regulations.

Security Stations- Locations in or around an elderly/handicapped multi-family housing development where safety officers or other appropriate personnel may be based on a full-time or periodic basis.

Security Systems- Wires, conduits, apparatus, devices, fixtures, or other appliances installed and interconnected electrically or electronically to permit access control, proprietary signalling, surveillance and the detection of burglary, intrusion, holdup, or other conditions requiring response or the transmission of signals or audible alarms. See, in general, M.G.L. c. 147 57-61.

Tenant- A tenant, subtenant, lessee, sublessee, or other person, entitled under the terms of a rental housing agreement to the use and occupancy of any dwelling unit in an elderly/handicapped multi-family housing development.

Tense, Gender and Number- Words used in the present tense include the future; words used in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural the singular.

Terms not Defined Herein- Where terms are not defined, they shall have their ordinarily accepted meanings or such as the context may imply.

Written Notice- A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by certified or registered mail to the last residential or business address of legal record.

Section III Implementation

A.) Identification of Development Within Scope of Ordinance:
Notification: Landlord's Election of Remedies and Request for Crime Prevention Survey.

(1) Identification of Developments Within Scope of Ordinance:

Consistent with the requirements of the Security Ordinance, the Commissioner has identified elderly/handicapped multi-family housing developments within the scope of the Security Ordinance and these regulations. The list of Developments identified by the Commissioner is available for inspection at the offices of the Inspectional Services Department, 1010 Massachusetts Avenue, Boston, Ma. The Commissioner reserves the right to alter or amend this list should information come to his/her attention that additional developments fall within the scope of the Security Ordinance and these regulations or that developments which have been previously identified as within the scope, do not, in fact, fall within its scope.

(2) Notification to Landlords: The Commissioner shall cause all landlords whose developments have been identified as falling within the scope of these regulations to be notified of the operation of the Security Ordinance and these regulations and of their duty to elect to either provide safety officers on a 24-hour basis, or to request a crime prevention survey, thus triggering the development of a security plan. Notice shall be sent to such landlords both by first class mail and by registered or certified mail, return receipt requested, and shall identify by address and development name, if known, the specific development involved. Such notices shall be sent out on a phased basis, beginning as of November 1, 1989, so that all landlords within the scope of the Security Ordinance will receive such a notice by no later than June 30, 1990. The notice shall be accompanied by a form on which the landlord may indicate which alternative he/she has elected, provisions of safety officers or a crime prevention survey.

(3) Landlord Election of Alternatives: Within thirty (30) calendar days of receipt of the notice from the Commissioner the landlord shall elect to either:

a) Provide safety officers for such development on a twenty-four hour per day, seven day per week basis. The safety officer's duties shall include, without limitation, the monitoring of all building entrances in such elderly/handicapped developments;

b) Provide security measures as identified in a security plan which has been developed and approved in compliance with Section 502 and 503 of the Ordinance.

If the landlord has elected to provide security measures as identified in a security plan, he shall, at the same time that he notifies the Commissioner of such election, request a crime prevention survey from the Boston Police Department. The Commissioner shall send the landlord a standard form that he may use to request this survey. The landlord shall deliver one copy of his request for a survey to the Boston Police Department and one copy to the Inspectional Services Department. If a landlord has requested a crime prevention survey from the Boston Police Department within thirty (30) days after receipt of a notice or a notice of non-compliance for failure to provide security officers or have an approved security plan, thus triggering the first stage in the provision of a security plan, the landlord shall be relieved of the responsibility of providing safety officers as required above unless and until a security plan or modified security plan has been approved. A landlord may choose, after initially electing one of the above two alternatives, to switch to the other with the approval of the Inspectional Services Department provided he/she continue to provide safety officers or the security measures mandated by the security plan pending such approval.

The landlord's submission seeking approval for a switch in alternatives must be submitted in quadruplicate and mailed certified mail, return receipt requested, to the Commissioner of Inspectional Services, 1010 Massachusetts Ave, Roxbury, Ma. 02118. The landlord's submission seeking approval for a switch in alternatives must be carried out in accordance with Sections 502 and 503 of the Ordinance.

Failure by a landlord to notify within thirty (30) calendar days the Commissioner of Inspectional Services of his/her election pursuant to Section 501 of the Ordinance shall subject the landlord to the enforcement provisions of Section 505 of the Ordinance.

(4) Crime Prevention Surveys: Each crime prevention survey shall include both findings as to the security needs of the tenants of the development and recommendations as to how such needs shall be met through existing or new security measures. Each survey shall include a one page summary, on official Police Department stationery, itemizing the elements recommended.

A new crime prevention survey must be performed every three years by the Boston Police Department. If a building permit is required by the Inspectional Services Department for substantial structural changes in the building entrances before the expiration of the three-year period since a survey was last performed, a new crime prevention survey must be performed upon submission of the building permit application.

B.) Process for Approving a Security Plan or Modified Security Plan

(1) Security Plan: Within thirty (30) days of receipt of the crime prevention survey prepared by the Boston Police Department, the landlord shall prepare a security plan (in quadruplicate) for approval by the Commissioner of the Inspectional Services Department.

Such plan shall be deemed to be in full compliance with this Ordinance provided that: (1) the security plan mandates, at the very least, the provisions of the security measures recommended in the crime prevention survey; and (2) the tenants have not articulated security needs which are not adequately addressed by the survey or the plan.

In all cases the tenants must be given the opportunity to present their views to the Commissioner of the Inspectional Services Department at a public hearing before the plan is accepted.

a) Tenant Participation Requirements in Conjunction with Submission of Security Plans:

The landlord shall post a notice that he/she intends to submit a security plan to the Inspectional Services Department in a conspicuous location within the development./

The notice shall be in a form established by the Commissioner of the Inspectional Services Department.

The notice shall first be posted at least ten (10) days prior to the submission of the security plan. The notice shall remain posted until such time as the Inspectional Services Department has made its final determination.

It shall be deemed a violation of the Ordinance enforceable under Section 505, for any landlord to fail to post such a notice in a conspicuous location or to intentionally or willfully cause such notice to be defaced, destroyed or removed.

If such notice is defaced, destroyed or removed by a third party, it shall be the landlord's obligation to immediately post a copy of the original notice.

b) Access to Security Plan: (Landlord's Provision of Information to Tenants)

If any tenant requests a copy of the proposed plan, it shall be provided as soon as reasonable, free of any cost by the landlord to the tenant together with:

- i) a copy of the findings and recommendations of the crime prevention survey (or the official Boston Police Department Summary).
- ii) if applicable, a summary of the landlord's reasons disputing the findings and recommendations of the crime prevention survey, for seeking alterations in the method or timetable for implementation of security measures, or for claiming that the additional security measures mandated by the crime prevention survey are cost prohibitive, including a summary of the financial alternatives that he/she has explored to cover costs.

c) Required Meetings:

In developments that are subject to tenant participation requirements under 760 C.M.R. Section 6.00, 24 CFR Sec. 245 or other applicable law and where there is a tenant organization the landlord shall provide a copy of the security plan or petition and the above documents to such tenants organization at least ten days in advance of the submission of the plan or petition to the Inspectional Services Department.

If the tenants participating in the organization vote that there are deficiencies in the security plan or petition, the landlord shall be required to meet with the tenants organization at a mutually agreed time and place to discuss the tenants concerns and attempt in good faith to resolve such concerns.

The tenants organization shall give written notice to the landlord, within the ten (10) day period after receipt of the plan and survey, of its desire to have such a meeting. The landlord shall meet with the tenants organization within two (2) weeks of receipt of the tenant's organization's notice. To the extent that such meetings or discussions delay the finalization of the security plan, the landlord shall be permitted to submit the security plan late, but in no event later than thirty (30) days from the date of the tenant meeting.

The landlord shall give written notice to the Commissioner of the Inspectional Services Department of any request received for tenant meetings. The Commissioner shall not schedule any hearing on the security plan until after such tenant meetings have taken place, and the thirty (30) day period for the Commissioner to hold a hearing after receipt of a plan shall be extended in such event.

Failure of the tenants or the tenants organization to request a meeting with their landlord to discuss the plan shall not be deemed to constitute a waiver of the tenant's right to approve, oppose, or seek modification in a plan or petition at the hearing before the Commissioner.

(2) Modified Security Plan: Within thirty (30) days of receipt of the crime prevention survey, if: (1) the landlord disputes the need for any of the specific security measures recommended by the crime prevention survey, or if (2) the landlord disputes the method or timetable for carrying out security measures, based on the fiscal or contracting constraints that apply to the particular development, or if (3) the landlord and/or the tenants believe that the additional security measures mandated by the crime prevention

survey are such as to be cost-prohibitive, given the economic circumstances of the tenants of the development and the inability of the landlord and/or tenants to obtain sufficient funding, equipment, or services to cover the costs of such additional measures despite best efforts, then the landlord and/or tenants may petition the Commissioner for permission to submit a modified security plan which does not encompass all of the security measures mandated by the crime prevention survey.

A landlord may only claim that the elements mandated by the crime prevention survey are cost prohibitive if the increased costs must be passed along to the tenants of the development and absorbed by the tenants in the tenant's share of the rent.

If a landlord submits a petition for a modified security plan, the landlord shall have the burden to show how any of the specific security measures recommended by the crime prevention survey are unnecessary, or given the fiscal or contracting constraints particular to the development, how changes are needed in the method or timetable for implementation of security measures.

In the event that a party claims that the costs of the additional security measures are cost-prohibitive, the landlord shall state what the estimated costs of the security measures are. In such cases, the landlord shall also substantiate his/her current and projected operating expenses and revenues, and shall show what efforts he/she has made to otherwise cover the costs through his/her best efforts to seek and obtain such funding, grants, donations of funds, equipment, or services as may lessen or eliminate such additional costs.

Section IV Hearing Process

A) Submission of Security Plans or Petitions for a Modified Security Plan: Following the posting of notice to tenants as required by Section 503 of the Ordinance, the landlord shall submit, in writing, the security plan or the petition for a modified security plan, whichever is applicable, to the Commissioner of the Inspectional Services Department for approval.

B) Hearings: Upon receipt of a security plan or petition for a modified security plan, the Commissioner of the Inspectional Services Department shall hold a hearing on each plan or petition. Such hearings shall be held at a convenient time and place. The Commissioner or clerk shall give at least ten days advance notice of the time and place of each hearing to all

parties and shall give notice to anyone else requesting notice as provided for in Section I (9). Notice of the hearing date shall be given to any tenant's organization which exists in the development and shall be posted by the landlord in a conspicuous location at the development.

Said hearings shall be held no later than thirty (30) days after the Commissioner's receipt of the security plan or petition for a modified security plan. Any such party may appear in person, or by agent or by attorney at such hearing.

Failure to hold a public hearing within thirty (30) days shall not affect the validity of the hearing or any decision rendered. The Commissioner in the hearing conducted under the Ordinance shall not be bound by the strict rules of evidence prevailing in courts of law or equity. At the hearing, the landlord and the tenants shall be given an opportunity to be heard, to present witnesses and or to submit documentary evidence as to why the security plan or petition should be approved or modified.

C) Consultation with Boston Police Department: In reviewing the adequacy of a security plan or modified security plan, the Commissioner shall consult with a certified crime prevention officer from the Boston Police Department.

D) Criteria for Approval of a Security Plan: Following the hearing and based upon the evidence presented to the hearing officer, the Commissioner shall approve or modify the security plan, consistent with recommendations of the crime prevention survey and the security needs articulated by tenants. Such plan shall be deemed to be in full compliance with these Regulations and the Security Ordinance provided that (1) the security plan mandates, at the very least, the provision of the security measures recommended in the crime prevention survey; and (2) the tenants have not articulated security needs which are not adequately addressed by the survey or the plan. If the crime prevention survey indicates that no security measures are needed additional to those already in effect at the development, the security plan shall be deemed to be sufficient so long as the landlord, in such plan, agrees to keep in effect all existing security measures.

E) Criteria for Approval of a Petition for a Modified Security Plan: Following the hearing and based upon the evidence presented to the hearing officer, the Commissioner shall approve, deny, or modify the petition for a modified security plan and the modified security plan submitted, consistent with

the recommendations of the crime prevention survey, the security needs articulated by the tenants, and the standards set forth in these Regulations and the Security Ordinance. If the Commissioner finds in response to specific disputes raised by a party in the petition for a modified security plan:

- a) any of the specific security measures recommended in the crime prevention survey are unnecessary to meet security needs at the particular development, or
- b) within the fiscal or contracting constraints that apply to the particular development, the landlord's proposed plan will provide a reasonable method or timetable for meeting security needs, or
- c) the costs required to undertake the improvements mandated by the crime prevention survey are such as to make the security plan cost prohibitive,

the Commissioner shall either approve the petition for a modified security plan or make such modifications to the plan as are necessary. In ruling on a petition where it is claimed that a security plan is cost-prohibitive, the Commissioner shall be guided by the principle, consistent with the security objectives articulated in the crime prevention survey, that the impact on tenant's rents should be minimized so that the cost of additional security measures will not have the likely effect of displacing elderly/handicapped tenants due to excessive rent increases. In such cases, the Commissioner shall consider reasonable alternatives to the security measures called for by the crime prevention survey.

F) Decision: The Commissioner's approval or modification shall be in a form of a written decision which decision includes findings of fact, conclusions and reasons for the decision. The decisions shall be furnished to all affected parties within ten (10) days of the hearing date. Failure to issue a decision within ten (10) days of the hearing date shall not affect the validity of the hearing or any subsequent decision.

G) Stay of Proceedings: Entry of a request for a hearing shall stay all Inspectional Services proceedings until the Commissioner enters a decision.

Section V Enforcement

A) General: The Commissioner of the Inspectional Services Department shall notify the landlord of an elderly/handicapped multi-family housing development in the event the development is found to be in non-compliance with the provisions of Sections 500 through 504, and shall order compliance. Said landlord shall have thirty (30) days from the date of notification in which to achieve compliance with the Commissioner's order. Upon expiration of the thirty (30) day period, the landlord of a housing development still in violation of the order shall be subject to a fine of \$150.00. Each day's failure to comply with the order thereafter shall constitute a separate violation of the Commissioner's order. Orders shall be enforced in a manner similar to that provided for enforcement of orders under Article II of the State Sanitary Code.

B) Investigations: Tenant's and/or tenant's organizations of elderly/handicapped multi-family housing developments shall have the right to request investigation by the Commissioner of the Inspectional Services Department if they believe that their landlords have failed to comply with the provisions of Sections 500 through 504 and shall have the right to request a hearing from the Commissioner in a manner similar to that provided in G.L. c. 111 Sec. 127B if the Commissioner fails to respond to a request for investigation, if the Commissioner fails to make findings of non-compliance following an investigation, or if the Commissioner fails to issue orders upon a finding of non-compliance.